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OF THE
SIXTH SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA,
BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID
TERRITORY, ON MONDAY, DECEMBER 6, A. D. 1869,
AND CONCLUDED JANUARY 7, A. D. 1870.

HERALD; HELENA, M. T.
ROBERT E. FISK, PUBLIC PRINTER.
1870.

Lawrence Stuart
COUNCIL JOURNAL

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SIXTH SESSION

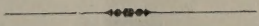
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Hotel Illinois

GRIGGS, WATSON & DAY,
DAVENPORT, IOWA.

FEDERAL OFFICERS.

GOVERNOR,

JAMES M. ASHLEY, HELENA.

SECRETARY,

W. S. SCRIBNER, VIRGINIA CITY.

JUDICIARY,

1st District — H. L. WARREN, *Chief Justice*, VIRGINIA CITY.

2d District — HIRAM KNOWLES, *Associate Justice*, DEER LODGE.

3d District — G. G. LYMES, *Associate Justice*, HELENA.

U. S. DISTRICT ATTORNEY,

H. N. BLAKE, VIRGINIA CITY.

U. S. MARSHALL,

WM. F. WHEELER, HELENA.

COLLECTOR OF CUSTOMS,

W. W. JOHNSON, HELENA.



TERRITORIAL OFFICERS.

AUDITOR,

JAMES L. FISK, HELENA.

TREASURER,

L. W. FRARY, VIRGINIA CITY.

SUP'T PUBLIC INSTRUCTION,

REV. S. G. LATHROP, HELENA.

MEMBERS OF THE COUNCIL.

WALTER B. DANCE, *President.*

JNO. P. BARNES.

L. DAEMS.

THOMAS R. EDWARDS.

H. W. ENGLISH.

C. W. HIGLEY.

JOHN JONES.

A. H. MITCHELL.

SAMUEL WORD.

THOMAS WATSON.

A. G. P. GEORGE.

R. S. LEVERIDGE, *Secretary.*

A. M. CARPENTER, *Ass't Secretary.*

GEO. W. HILL, *Engrossing Clerk.*

A. J. URLIN, *Enrolling Clerk.*

JOHN THOMPSON, *Serg't-at-Arms.*

JNO. S. BARTRUFF, *Doorkeeper.*

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

J. R. BOYCE, Sr., *Speaker.*

A. H. BARRETT.

R. O. BAILEY.

N. C. BOSWELL.

J. A. BROWNE.

G. F. COPE.

F. E. COLLINS.

V. A. COCKRELL.

S. R. ELWELL.

J. F. FORBIS.

J. GIBBS.

R. O. HICKMAN.

H. JORDAN.

H. LAMME.

J. MURPHY.

T. E. ROUNDS.

P. SCOTT.

A. J. SMITH.

W. D. WANN.

P. T. WILLIAMS.

GEO. W. ROCKFELLOW, *Chief Clerk.*

BEN EZEIKLE, *Ass't Clerk.*

PHIL EVANS, *Engrossing Clerk.*

R. HEDGE, *Enrolling Clerk.*

WM. DEASCEY, *Serg't-at-Arms.*

O. P. THOMES, *Doorkeeper.*

COUNCIL JOURNAL.

SIXTH SESSION.

FIRST DAY.

DECEMBER 6, 1869.

The members of the Council, duly elected for the territory of Montana, in pursuance of an act of Congress, approved March 2, 1867, and as provided in the laws of Montana, approved A. D. 1867, assembled in the Council Chamber, Virginia City, Montana territory, at precisely 12 o'clock m., on the 6th day of December, A. D. 1869, and were called to order by the Hon. A. G. P. George, member of the Council from the third district.

The following named gentlemen appeared and answered to their names :

L. Daems, Virginia City, Madison county.

T. R. Edwards, Bozeman City, Gallatin county.

A. G. P. George, Radersburg, Jefferson county.

Samuel Word, Virginia City, Madison county.

Thomas Watson, Bannack City, Beaver Head county.

On motion of Mr. Daems, A. G. P. George, of Jefferson county, was elected President, *pro tem.*

On motion of Mr. Word, R. S. Leveridge, of Jefferson county, was elected Chief Clerk, *pro tem.* and A. M. S. Carpenter, was elected Assistant Clerk, *pro tem.*

On motion of Mr. Watson, John Thompson, of Beaver Head county, was elected Sergeant-at-Arms, *pro tem.*

On motion, Mr. Ferguson, of Gallatin county, was elected Fireman, *pro tem.*

On motion of Mr. Word, Council adjourned.

SECOND DAY.

DECEMBER 7, 1869.

The Council met at 11 o'clock A. M. President, *pro tem.* in the chair.

Roll called — absent, Messrs. Brown, Barnes, Daems, Dance, English, Higley, Jones, Mitchell, and Woody.

No quorum present. Journal of yesterday read and approved.

On motion of Mr. Word, Council took a recess until four o'clock P. M.

FOUR O'CLOCK P. M.

Council resumed. Mr. President, *pro tem.* in the chair. Roll called — absent, Messrs. Barnes, Brown, Dance, English, Higley, Jones, Mitchell, and Woody.

On motion of Mr. Edwards, Council adjourned until to-morrow morning at 11 o'clock.

THIRD DAY.

DECEMBER 8, 1869.

The Council met at 11 o'clock A. M., President, *pro tem.* in the chair.

Roll called — absent, Messrs. Barnes, Brown, Dance, English, Edwards, Higley, Jones, Mitchell, and Woody.

On motion of Mr. Watson, after the reading and approval of the Journal of yesterday, the Council took a recess until four o'clock P. M.

FOUR O'CLOCK P. M.

Council resumed. Mr. President, *pro tem.* in the chair.

Roll called — absent, Messrs. Barnes, Brown Daems, Dance, English, Higley, Jones, and Woody.

On motion of Mr. Wood, Council adjourned until to-morrow morning at 11 o'clock.

FOURTH DAY.

DECEMBER 9, 1869.

The Council met at 11 o'clock. Mr. President, *pro tem.* in the chair.

Roll called — absent, Messrs. Barnes, Brown, Daems, Dance, Higley, and Woody.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Mitchell, the Council proceeded to make a temporary organization.

On motion of Mr. Word, the *pro tem.* officers were elected the officers of the temporary organization.

On motion of Mr. Edwards, the proceedings of the minority organization were read and approved.

On motion of Mr. Word, the following committees on credentials was appointed :—

Messrs. Word, Edwards, and English.

On motion of Mr. Mitchell, the Council took a recess until three o'clock P. M.

THREE O'CLOCK P. M.

Council resumed. Mr. President *pro tem.* in the chair.

Roll called — absent, Barns, Brown and Woody.

The committee on credentials made the following report:—

MR. PRESIDENT, *pro tem.*:—Your committee on credentials beg leave to make the following report:—That of the newly elected members the following are present, duly accredited, and entitled to seats in the legislative council of the sixth general assembly; to-wit:—

First District—Madison and Beaver Head counties.

Thomas Watson, L. Daems, Samuel Word.

Second District—Deer Lodge and Missoula counties.

No newly elected members have presented credentials.

Third District—Lewis and Clarke, and Jefferson counties.

C. W. Higley, and John Jones.

Of the members holding over, are present,

Second District.

W. B. Dance and A. H. Mitchell.

Third District.

H. W. English and A. G. P. George.

Fourth District.

T. R. Edwards.

All of which is respectfully submitted.

SAMUEL WORD,

H. W. ENGLISH,

T. R. EDWARDS.

On motion of Mr. Mitchell the report was accepted, and the committee discharged.

And upon further motion of Mr. Mitchell, the report was adopted.

On motion of Mr. Word, the sergeant-at-arms was directed to wait upon Chief Justice H. L. Warren, and request him to appear and administer the oath of office to the newly elected members of the council.

On motion of Mr. Dance, the rules of the last session were adopted as the temporary rules for the government of the Council.

The Sergeant-at-Arms here appeared and announced Chief Justice Warren, who came forward and administered the following oath to the newly elected members : —

“You, and each of you, do solemnly swear that you will support the Constitution of the United States and Organic Act of the territory of Montana, and faithfully discharge your duties as members of the Legislative Council of the territory of Montana.”

L. DAEMS.

JOHN JONES.

G. W. HIGLEY.

THOMAS WATSON.

SAMUEL WORD.

On motion of Mr. Mitchell, the Council proceeded to a permanent organization.

Mr. English moved that the vote be taken *viva voce*. Motion carried.

For President of the Council, Mr. Mitchell nominated Mr. Dance. Mr. Word nominated Mr. Watson. Mr. Watson declined, and on his motion, Mr. Dance was declared President of the Council by acclamation.

On motion of Word, the following named gentlemen were appointed a committee to conduct the President elect to the chair : —

Messrs. Word, English, and Jones.

On motion of Mr. George, R. S. Leveridge was declared Chief Clerk by acclamation.

On motion of Mr. Word, A. M. S. Carpenter was declared Assistant Clerk.

On motion of Mr. Watson, George W. Hill was declared En-grossing Clerk, and A. J. Nixlin Enrolling Clerk, by acclamation.

On motion of Mr. Mitchell, John Thompson was declared Sergeant-at-Arms, by acclamation.

Mr. Word presented the names of James Patten, John S. Bartrieff, and H. J. Johnson, as candidates for door-keeper.

The Council then proceeded to vote, and John S. Bartrieff having a majority of all the votes cast, was declared door-keeper of the Council.

On motion of Mr. Daems, Thomas Bennett was declared Fireman by acclamation.

Mr. Word presented masters James B. Farley, Van Orton, George Thexton, John Carter, and Conneny, as candidates for Pages of the Council.

The Council then proceeded to vote; and Masters Farley and Thexton having each received a majority of all the votes cast, were declared elected.

On Motion of Mr. English Mr. C. C. Menaugh, the District Clerk, administered the oath of office to the officers and attachees of the Council.

On motion of Mr. Word, Messrs. Word, Jones, and Watson were appointed a committee to wait upon the secretary of the territory, and inform him that the Council had organized, and request him to supply the same with necessary stationery, lights, fuel, etc.

On motion of Mr. Edwards, Messrs. Edwards, English, and George were appointed a committee to wait upon the House of Representatives and inform that body that the Council is organized and ready for business.

On motion of Mr. Word, the rules of the fifth session were adopted to govern the Council at its present session.

On further motion of Mr. Word, the Council adjourned until 10 o'clock to-morrow morning.

FIFTH DAY.

DECEMBER 10, 1869.

Council met at 10 A. M. Mr. President in the chair.

Roll called — absent, Messrs. Barnes, Brown, and Woody.

Journal of yesterday read and approved.

On motion of Mr. Mitchell, George W. Hill, Engrossing Clerk, took the necessary oath of office.

The committee appointed to inform the House that the Council had organized, and were ready for business, reported through their chairman, Mr. Edwards, that they had attended to that duty.

On motion of Mr. George, the report was accepted and the committee discharged.

On further motion of Mr. George, the report was adopted.

On motion of Mr. George, the following resolution was adopted: —

“*Resolved*, That the Sergeant-at-Arms be directed to procure and keep within the Council Chamber, during the present session of the Legislature, a complete set of the statutes of the territory of Montana, for the use of each member of the Council.”

On motion of Mr. Mitchell, the Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council returned. Mr. President in the chair.

Roll called — absent, Messrs. Barnes, Brown, Daems, Watson, and Woody.

On motion of Mr. Mitchell, the Council adjourned until to-morrow morning at 10 o'clock.

SIXTH DAY.

DECEMBER 11, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

Mr. Edwards presented credentials of Mr. Barnes, and moved that they be accepted, and that Mr. Barnes take the usual oath of office. Motion carried.

The committee appointed to inform the Secretary of the territory that the Council had organized, and request that he furnish the same with necessary stationery, lights, fuel, &c., reported through their chairman, Mr. Word, that they had attended to their duty.

On motion of Mr. George, the report was accepted and the committee discharged.

On motion of Mr. Word, the report was laid on the table for further consideration.

On motion of Mr. George, the Council took a recess until 12 o'clock M.

TWELVE O'CLOCK M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

A committee from the House through Mr. Smith, announced that they were organized and ready for business; and the House invite the Council to meet them at their Hall in joint session at 2 o'clock P. M. to receive any communication that His Excellency, the Governor, might desire to make; and thereupon, on motion of Mr. Word, the Council accepted the invitation to meet the House in joint session, at 2 P. M.

On further motion of Mr. Word, the Chief Clerk did notify

the House that the Council had accepted the invitation of the House to meet in joint session at 2 P. M.

On motion of Mr. Edwards, the Council took a recess until 2 o'clock P. M.

THREE O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown, and Woody.

On motion of Mr. Word, the Council proceeded in a body to the Hall of the House in pursuance of the resolution adopted, to hear the Governor's message.

The Council and House of Representatives then entered into joint session.

Mr. President in the chair.

Roll called — quorum present.

On motion of Mr. Word, a joint committee consisting of Messrs. Word and Mitchell, of the Council, and Messrs. Smith, Forbis, and Browne, of the House, were appointed to wait upon His Excellency and inform him that the two houses are in joint session, and ready to receive any communication he may desire to make.

The committee appointed to wait on the Governor, through their chairman, Mr. Word, announced the Governor, who was introduced by the President.

His Excellency then delivered the following message :

Gentlemen of the Council and House of Representatives : —

You have been commissioned by the electors of Montana to discharge an honorable and important trust.

In pursuance of what a majority thus commissioned believe to be an imperative duty, you have met at the capital and organized both branches of the Legislative Assembly.

Concurring with those who hold that so much of the act of the Legislative Assembly approved January 15, 1869, as provides for biennial sessions, is void, because in conflict, at the time of its passage, with the Organic Act, I regret that I have been unable to concur in the opinion that there was such a necessity for the meeting of the Legislative Assembly this winter as to make it obligatory on me to convene you in extraordinary session. The fact that Congress made no appropriation for the ordinary expenses of the Legislative Assembly of Montana for the present fiscal year, is the best evidence which I can offer that such meeting was not contemplated by that body. In addition to this, the Secretary received instructions from Washington not to issue vouchers for any part of the expenses of such a session. All the expenses of this session must, therefore, be paid by the people of the territory, unless Congress can be induced to come to our relief.

In view of these facts, and the very general expression of the people of all parties that no session of the Legislative Assembly was necessary, I did not believe until Monday that a quorum of the two Houses would convene without a proclamation from the Executive.

Anxious to prevent an increase of the territorial indebtedness, and to save the people from additional taxation, I declined to issue a proclamation calling you together, preferring, if such a result should follow, to have our legislative functions lapse, rather than increase our already large indebtedness, and of necessity impair the value of our securities in the market.

Leaving to the judicial department of the territory the question of the legality of this unexpected session, and waiving the discussion of questions which will suggest themselves to all as to the practicability or necessity of this meeting of the Legislature, I recognize the fact that a quorum of the gentlemen chosen by the electors of Montana as members of the Legislative Assembly of the territory are in session and organized.

TERRITORIAL OFFICERS.

Soon after my arrival in the territory, my attention was called to the fact that the Territorial Auditor and Treasurer were holding

their offices in pursuance of an act of the Legislative Assembly which was in conflict with the plain provisions of the Organic Law. The act of the Legislative Assembly creating the offices of Territorial Auditor, and Treasurer, and Superintendent of Public Instruction, approved Nov. 16, 1867, is as follows: —

SECTION 1. There shall be elected or appointed in the territory of Montana the following officers, to-wit: 1st, one delegate to Congress. 2d, members of the Council of the Legislative Assembly. 3d, members of the House of the Legislative Assembly. 4th, one Territorial Treasurer. 5th, one Territorial Auditor, who shall be *ex-officio* librarian. 6th, one Superintendent of Public Instruction. 7th, one District Attorney for each judicial district.

* * * * *

SECTION 3. The Territorial Treasurer, Territorial Auditor, and Superintendent of Public Instruction, shall be elected by the qualified voters of the territory, and be commissioned by the Governor, and shall hold their offices for two years, and until their successors are elected and qualified.

SECTION 4. The Treasurer, Auditor, and Superintendent shall be elected by the Legislative Assembly as soon as practicable after the passage and approval of this act, in joint convention assembled, to be commissioned by the Governor, who shall hold their offices until the general election in the year A. D. 1869, when they shall be elected according to the provisions of section 3 of this act.

Section 7 of the Organic Act reads thus: —

SECTION 7. *And be it further enacted,* That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the territory of Montana. *The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance, the Governor alone may appoint all said officers,* who shall hold their offices until the end of the first session of the Legislative Assembly, and shall lay off the necessary

districts for members of the Council and House of Representatives, and all other officers.

The present executive having drawn the act for the organization of the territory of Montana, has no question as to the true interpretation of this section.

In the discharge of my duty I have been compelled to regard so much of the act of the Legislative Assembly as provides for the election of these officers, either by joint vote of the Legislative Assembly or by the people, as void, because in violation of the plain provisions of the Organic Act.

The gentlemen at present discharging the duties of Territorial Auditor and Treasurer, having been elected by the Legislative Assembly in joint convention, have been recognized by me as officers *de facto*, and not *de jure*.

Some weeks prior to canvassing the vote on the question of removing the Capital, and the vote for delegate to Congress, I intimated to gentlemen whom I supposed to be the personal and political friends of the acting Auditor and Treasurer, that I should not count the vote for Territorial Auditor, Treasurer, and Superintendent of Public Instruction, which had been returned to the Secretary in conformity with the act of the Legislative Assembly just read. I also intimated that if either of the gentlemen, claiming to have been elected in pursuance of that act would apply for and obtain, on a full hearing of the case, a writ of *mandamus*, either from the Chief Justice or from one of the Associate Justices of the United States District Court for the territory, directing me to count the vote, and give certificates of election as required by act of the Legislative Assembly, that I would cheerfully obey such writ, and issue the required certificates, setting forth in each the facts, provided the Court would make an order, which should be recited in each commission, that if on appeal to the Supreme Court of the territory the judgment of the District Court should be reversed, that the gentlemen thus commissioned should forthwith deliver over the books and papers of said offices to the persons adjudged by the Supreme Court of the territory to be legally entitled to receive them. This seemed to me the most direct and less expensive mode of testing the validity of the act in question.

No such proceedings having been commenced by either of the gentlemen claiming to have been elected, and the time prescribed by law for canvassing the vote of the territory having nearly expired, there was no alternative left me but to appoint and commission men whom I believed to be qualified for each of the offices, in order to test before the United States District Court or the Supreme Court of the territory, the legal points in controversy. I therefore appointed and commissioned, "subject to the advice and consent of the Legislative Council at its first regular session," James L. Fisk, as Auditor, Leander W. Frary as Treasurer, and James H. Mills as Superintendent of Public Instruction. Mr. Mills subsequently declined the appointment.

After the appointment of Messrs. Fisk and Frary, I requested them to file their bonds with the Secretary as required by law, and demand of the incumbents the books and papers of said offices, and in case either or both refused, to apply to the Chief Justice for a writ of *quo warranto*, requiring them to show by what right they continued to possess said offices. Messrs. Fisk and Frary filed bonds as requested, which bonds were approved by the Secretary. They then demanded of the incumbents, Messrs. Rodgers and Barkley, the books and papers of the offices named, which these gentlemen declined to surrender. Application was then made by Messrs. Fisk and Frary to the Chief Justice for a writ of *quo warranto*.

The case came up on demurrer, and after argument the demurrer was overruled. The defendants then asked and obtained ten days to file an answer to the complaint of plaintiffs.

On a full hearing of the case, the Court passed upon and overruled every point made by the defendants, and fully sustained the authority claimed for the Executive to make these appointments.

The whole question is thus removed beyond the pale of partizan discussion, and my purpose to vindicate the paramount authority of Congress and the prerogative of the Executive has been accomplished.

I take pleasure in calling your attention to the judgment of the Chief Justice, which will be found appended to this message and marked "A."

OUR ELECTION LAWS.

In canvassing the result of the late territorial election, the entire absence of anything in the form of a certificate from one county, and the informality of returns from others, impressed me with the necessity of additional legislation, in order to secure in the future election returns free from such irregularities.

I therefore suggest, that the Secretary of the territory and clerks of the several counties be authorized and required by law to have prepared printed blanks in proper form for election returns, and that the Secretary transmit by mail, prior to each territorial election, duplicate copies of said blanks to the clerk of each county, for the use of county canvassers; and that the clerk of each county be required to transmit to the clerk or some proper officer in each voting precinct of the county, duplicate blanks, to be used in preparing certificates of the result of any election in the several precincts of each county. This would secure uniformity in all election certificates hereafter made, whether returned to the Secretary of the territory or to county clerks, and take from boards of territorial or county canvassers the power, which they now claim, of passing upon and rejecting such returns as they please for informality, even when they know they are free from fraud, and intended by the returning officers to be in conformity with law.

I also recommend that the county clerk of each county be required within *twenty* days after each territorial election to forward by mail, in a letter registered as required by the regulations of the post office department, and directed to the Secretary, at the capital, one copy of the certificate of the board of county canvassers of the result of any election required by law to be transmitted to the Secretary, and that each county clerk be required to preserve on file in his office a duplicate copy of each certificate duly authenticated by the signature of the canvassing board of said county, which certificate shall, on the written requisition of the Governor, be delivered by said clerk to any person authorized by him to receive it, and that the clerk be required to preserve in his office a copy of the certificate delivered to any person on the requisition of the Governor.

In case the county clerk of any county shall neglect or refuse to forward to the Secretary a certificate of the result of any election, as required by law, or shall refuse, on demand of the Governor, made in writing or by telegraph, to deliver the duplicate certificate of any election on file in his office, to any person authorized by the Governor to receive the same, it is recommended that the Governor be authorized and empowered to remove said clerk and to appoint and commission a trustworthy and competent citizen in his stead, who shall serve until the next annual election in said county, and that the clerk thus appointed be authorized and required to prepare forthwith from the precinct returns on file in his office, a certificate of the election in said county, and transmit the same to the Secretary as required by law, or deliver it to any person authorized by the Governor to receive it. If there be no returns from the several precincts of the county, preserved and on file in said office, then, that it be made the duty of the clerk thus appointed, within twenty days, to demand of the clerks of the several election boards in the county a duplicate copy of the returns of said election made by them and forwarded to the county clerk prior to his removal.

If some such authority as is here suggested is not vested in the executive, the clerk of any county may, and often will, have it in his ower to defeat the fairly expressed will of the people, in any county or district of the territory, by neglecting or refusing to comply with the plainest provisions of law.

If these suggestions meet your approval, the time in which the board of territorial canvassers should be required to perform their duty ought to be fixed at not less than sixty days after each territorial election.

The functions of county and territorial canvassing boards, it appears to me, ought to be made by law purely ministerial. I am clearly of the opinion that such boards ought not to be clothed with the discretionary power of rejecting the vote of any precinct or county, when returned to them in conformity with the spirit and intent of the law. It ought rather to be made the imperative duty of each canvassing board to examine the certificates returned to them by the proper officers, and audit and declare the result.

I also suggest that on every precinct election board in each county, and on each board of county and territorial canvassers, there shall hereafter be appointed, or elected in such manner as the Legislative Assembly may by law direct, at least one competent and well known citizen, to act as a member of each of said boards, who shall not be of the same political party with those who constitute a majority of either of said boards. This would secure the minority a member of every board.

Before dismissing this subject, permit me to call your special attention to the necessity of providing by law the manner and the time within which all questions touching the validity of any county, district, or territorial election, may be heard and summarily determined before the District Court, with the right of appeal to the Supreme Court of the territory, and that the court be clothed with authority to put the person adjudged entitled to any office, in possession, during the pendency of any appeal, so that neither fraud nor perjury, or a careless disregard of the election law on the part of any clerk or canvassing board, or a continuation of the case on appeal until the official term has expired, shall successfully, and with impunity, defeat the fairly expressed will of the people at any election.

BIENNIAL SESSIONS. — LEGISLATIVE APPORTIONMENT. — MINORITY REPRESENTATION.

The following amendment to our Organic Act, approved March 1, 1869, will demand, and I doubt not, receive, your early and considerate attention : —

“Be it enacted, &c., That hereafter the members of the House of Representatives of the territory of Montana, shall be elected for the term of two years, and the stated sessions of the Legislative Assembly shall be biennial. And the said Legislative Assembly, at its first session after the passage of this act, shall provide by law for carrying this act into effect.”

In providing for biennial sessions of the Legislative Assembly, it also will become necessary to provide for biennial elections.

So intimately connected with the organization of the Legislative Assembly is the question of apportionment and representa-

tion, that I deem it to be my duty to call your attention to the fact that a large minority of the electors in this territory have been without adequate representation in the Legislative Assembly since its organization.

If representation had been equitably provided, it would have secured to both parties in each branch of the Legislative Assembly, a distribution of political power, in exact proportion to the number of votes polled at each election; instead of which the minority in the territory have been practically disfranchised.

Without an equitable distribution of political power in the legislative department, whether national, state, or territorial, there can be no just recognition of the democratic idea of government.

Equitable representation, therefore, in every Legislative Assembly, is the only safe basis in a republic.

In providing for future representation in the Legislative Assembly of this territory, I have to urge upon you a full and complete recognition of this just principle. Its adoption in Montana may pave the way for its adoption throughout the nation. Wherever it is adopted, it will secure a government administered by the consent of all, in the interest of all, and with representation for all.

I wish to see this system adopted, not only by Montana, but by the national and state governments, because it recognizes more fully than any system now in use, the democratic idea that every legislative body should reflect the sentiments and convictions of the whole people which it is chosen to represent.

Our state and territorial governments are organized upon the theory that the laws enacted are the embodied will of the entire voting population of each, while in truth the system in use practically excludes from participation in the enactment of laws a large minority, and not unfrequently a majority have been successfully excluded for years in a number of states of this Union.

This is accomplished by unfair apportionments, or by "gerrymandering," as it is familiarly called. Counties which give large political majorities to one party are grouped together in districts with small representation, while other counties, with small political majorities, and often with less population, are organized into districts with large representation. In this way one

elector is clothed with more political power than another, the minority disfranchised, and often the majority. It will be admitted that there is something radically wrong in a system capable of such gross abuse.

That system which best collects the deliberatively expressed will of a whole people, and enacts it into law, is the one which fulfills more completely than any other the theory of an absolute democracy.

The mode of alternate and cumulative voting presented by John Stuart Mill, and other leading statesmen and thinkers, to the people of Great Britain, while, perhaps, the fairest ever suggested for securing an equitable division of political power, in a republican commonwealth, is so complicated that I doubt whether its adoption can be secured in this country, at least for many years. With all its complications, however, it is infinitely better than our present system.

Joseph Medill, Esq., one of the editors of the *Chicago Tribune*, has presented for the consideration of gentlemen elected members of the constitutional convention of Illinois, a plan to secure minority representation, which is worthy of your serious attention. I will take pleasure in laying his article before any committee which you may appoint to take charge of this subject. Mr. Medill's plan provides that the entire voting population of Illinois shall enact their laws by voting through proxies. The political power of the state would thus be represented in the Legislative Assembly by the number of votes cast by each party in the state — no more, no less. This proposition has the merit of proposing a radical change in our present indefensible system, and substituting in its stead one incapable of such abuses.

Time and reflection have confirmed me in the belief that the period has arrived in our history when the system of representation so long in use in our National Congress, and state and territorial legislatures, must be changed.

While a member of the House of Representatives at Washington, I proposed a plan for securing minority representation in Congress and in state legislatures, which I now take occasion to present for your consideration, with the single remark, that if you can devise a plan which will secure a more equitable repre-

sentation in the Legislative Assembly, and give the people of the territory a more direct voice in their government, I shall be glad to co-operate with you in enacting it into law.

The plan which I suggest provides a modification and continuation of the district system, while it secures to every voter in the territory equal political power. By adopting the cumulative plan of voting, the minority, if they number one-third of the electors in the territory, can secure one of the three members of the Legislative Council which I propose to have elected for the territory at large. If they number one-sixth of the electors, they can secure one of the six representatives in the House, which I also propose to have elected for the territory at large. In each district for the Council and the House, the minority may, by adopting the cumulative system of voting, secure their proportion of the members of the Legislative Assembly; and in no event can they secure a greater number than they are entitled to for the number of votes they cast. This system makes all gerrymandering impracticable, destroys all motive for illegal voting, and clothes each elector with equal political power.

Of the plans named, perhaps all are open to objection, but each is far preferable to the present system. Perfection is not to be expected in any plan which may be adopted. It is the province of true statesmanship to devise and apply the best possible remedy for existing abuses, and the admitted defects of our present system.

The plan which I suggest, provides that each elector shall vote one ballot. On that ballot he must name his choice for delegate to Congress, and for each county officer, as now. There being but one delegate to Congress to elect, also but one county clerk, or sheriff, or other county officer, alternate or cumulative voting cannot be secured. Only where an elector is authorized to vote for *two* or more candidates for the same office, such as members of the Legislative Assembly, can the system of cumulative and alternative voting be applied.

The system which I favor, recognizes in the national, state, and territorial governments, the absolute supremacy of the legislative department; abolishes in each the veto power, and authorizes Congress and the legislatures of states and territories to

prescribe by law the manner in which all ministerial officers shall discharge the duties of their respective offices, where they are not clearly defined by the organic law.

If the electors of this territory had secured to them an equitable representation in the Legislative Assembly, I should not, while Governor, make use of the veto power, a power which I regard as kingly and despotic, and with which no man, however able or trustworthy, ought to be clothed in a Republican government.

The present territorial apportionment for members of the Council and House of Representatives, confers greater power upon one elector in one district than in another. For instance, two Council districts have *four* members each — and one district but *two* members. Two representative districts have five members each, while *two* others have but *one* each. I do not now refer to the question of population — but to the fact, that an elector in one district is authorized to vote for *five* representatives, while the elector of another district can vote for but one representative. The apportionment which I propose, places each elector in the territory on an equal footing, as to the number of members of the Council or House of Representatives, for whom he may vote. It also secures to the minority in the entire territory the right, by cumulative voting, to secure *one* member of the Council and *two* members of the House if they number one-third of the electors. If they number but one-sixth, they can secure one member of the House, and thus have a hearing in that body.

In the districts, as I propose them, the same right is secured, so that in a majority of districts thus organized, as also in the territory at large, the minority may, by uniting, secure an equitable representation, substantially in proportion to the number of votes which they cast.

No fraud can be practiced in voting this ballot. If an elector desires to give to one person all the votes he is authorized to cast for members of the Council or House, he can do so, by erasing every other name on his ballot, and adding: "I cast my three votes (or my six votes, as the case may be) for Mr.——. If by any attempted fraud, or by mistake, an elector should designate a larger number of votes for any one person than he is en-

titled to cast, they would not be counted. I believe the adoption of some such plan as I have suggested would commend itself to the great body of electors of both parties in Montana.

Its adoption would do much to abolish the baneful spirit of party, destroy the motives which now exist for the corrupt use of money at elections, and prevent the deliberate frauds which are becoming so alarmingly frequent every year.

It is for you to determine whether any change shall be made in the apportionment of members of the Legislative Assembly, and whether the minority shall have a voice in enacting laws which all must obey, and in the administration of government in which all have an equal interest.

Whatever may be your final determination, let us remember that no system of representation is defensible which defeats the fairly expressed will of the majority, or which fails to secure to the electors of the entire territory an equitable representation in both branches of the Legislative Assembly.

Adopt almost any plan for securing minority representation, which has been suggested by the thinkers of Europe or America, and it will be a vast improvement upon our present system. You will also relieve, in a great measure, every citizen from the despotism of party caucuses and party conventions. So long as the present system is maintained, the citizens of both parties will often be compelled to vote for men to fill important and honorable positions who are nominated by fraud and practices offensive to honorable men.

Should you determine to appoint a committee to examine and report upon the question of minority representation, I will be glad to co-operate with them in perfecting the proposed change, by adding to it such provisions as will secure the practical abolition of all party nominating conventions.

FINANCIAL REPORTS.

A modification of the law requiring the Territorial Auditor, Treasurer, and Superintendent of Public Instruction, to make their annual report to the Legislative Assembly *while in session*, will also be found necessary. The collection and disbursement

of the public revenues, is a matter of such importance to the people of the territory that they will doubtless prefer to follow the custom long in use among all successful business men, of making annual exhibits.

I therefore suggest that at the close of each alternate year, the Auditor, Treasurer, and Superintendent of Public Instruction, be required to report to the executive, and that he be required to publish, officially, so much of said report as he may deem necessary to inform the people each year of all matters touching the organizations of the public schools, and the financial condition of the territory.

I invite your special attention to the report of the Auditor and Treasurer:—

The total amount of property returned for taxation this year is.....	\$8,069,076 00
The Treasurer's report shows the total outstanding indebtedness of the terri- tory to be.....	119,600 00
Balance to sinking fund for the redemp- tion of bonds, June 1, 1870.....	10,339 77
Total indebtedness	<hr/> \$ 109,261 23

REVENUE AND LICENSE LAWS.

A careful revision of the revenue and license law is recommended. In its practical working it has been found very oppressive.

I recommend the repeal of section 12, concerning licenses, which imposes a tax of one dollar on each head of cattle, horses, mules, or asses, and twenty-five cents for each head of swine or sheep brought into this territory, and that instead of such an act of prohibition, that a small sum be placed at the disposal of the Secretary to be expended in premiums for the best horses, cattle, sheep, and hogs, brought into the territory within the next two years, as breeders. I suggest that such premiums be awarded under the joint authority of the Secretary and the officers of our annual territorial fairs.

I also recommend the repeal of section 20 of the act concerning licenses, which imposes a tax of *fifteen* dollars, quarterly, upon all *male* persons engaged in the laundry business. It is admitted that this section is oppressive, and was intended to compel Chinamen to pay an unequal and unjust tax.

I shall elsewhere refer to the fact that such exactments are in conflict with our national obligations. What we ask for our own citizens residing in China, we cannot honorably refuse to concede to her citizens residing here. I am informed that this tax averages full twenty-five per cent of the gross earnings of these Chinese laundry-men. Of course such a tax is utterly indefensible.

Your attention is called to the fact that almost every county and city has incurred an indebtedness which all will concede ought not to be increased.

I therefore suggest that you prohibit, by law, the commissioners of counties, or the authorities of cities, from hereafter incurring a debt for any purpose, which shall exceed, in any one year, one-half of one per cent on the valuation of the whole property returned for taxation in such county or city. Only by such means can we pay off the present indebtedness and reduce taxation.

IMMIGRATION.

After my appointment, and before coming to the territory, I visited the city of New York for the purpose of acquainting myself with the means which were being employed by a number of states to secure a portion of the desirable immigration which is voluntarily coming to this country every year from the civilized nationalities of Europe.

I found that Wisconsin, Minnesota, Kansas, and a number of western and southwestern states had appointed commissioners of immigration; that each were engaged in collecting, preparing, and publishing authentic information as to the climate, soil, productions, and topography of their several states, and sending the facts thus compiled and published to the country whose people they regarded as the most desirable for American citizens and for permanent residents of their respective states.

I learned that the young state of Minnesota had succeeded in securing a large immigration of Norwegians, Swedes and Germans — a population industrious, frugal, and admirably adapted to her rigorous climate and long winters; men and women fitted by intelligence and education to become worthy American citizens, and valuable residents of such a state. I am pleased to learn from sources deemed reliable, that she will probably secure this year between fifty and sixty thousand of this very desirable population.

Anxious to promote the best interests of Montana, I selected before leaving New York, Benno Speyer, Esq., to act as Commissioner of Immigration, and requested him to prepare from such material as I gave him, a circular to be used in Europe at once, and advised him that as soon as I could obtain the requisite authority I should want him to translate and publish in German and Norwegian, and perhaps in one or two other languages, such facts touching the mineral and agricultural wealth of Montana, as any person duly authorized might furnish him.

I informed him of the fact that I had no means at my disposal to pay the necessary expenses of postage, translating, and printing, but that I confidently hoped to secure the co-operation of the Legislature and an appropriation sufficient to lay the foundation of an immigration movement commensurate with the wants and unsurpassed advantages of our territory. He at once prepared circulars and sent them to Europe and to the several lines of railroads leading from New York, Philadelphia and Boston westward. With the information obtained by answers to his circulars, he expected at the proper time to make advantageous contracts with railroad or other transportation companies and be prepared to send immigrants over the best, safest, and cheapest route to Montana.

After reaching the territory, I was advised there would be no meeting of the Legislature this winter; for this reason I have not requested a written report of Mr. Speyer, and am, therefore, unable to advise you of the progress he has made.

As the expenses incurred were made at my request, and without authority of the Legislature, the territory is not responsible for them.

Experience has demonstrated the practicability and importance of well directed immigration organizations. It is estimated by those who have given this subject thoughtful attention, that the number of immigrants which have arrived in the United States this year from the Christian nations of Europe, will number nearly half a million, and that next year the number will exceed half a million. Of this valuable population, the Scandinavian and German constitute more than one-half, and the Irish, at least one-fourth.

Believing in the adaptibility and non-adaptibility of climate to races, and that in our own country, as well as among the civilized nations of Europe, there are those better adapted to the climate, productions, and wants of Montana, than others, I have sought to pave the way for the introduction of that class of immigrants which I regard as the most desirable for this territory. I believe it will be conceded by all practical men who have given this subject any thought, that Montana is better adapted to the hardy races of men and women from Great Britain and Northern Europe than to any race from a tropical climate, whether white or black.

To secure stability and prosperity to our territory, it has been my purpose to bring such European immigrants to Montana as may properly intermarry with Americans and form a homogeneous and thrifty population of civilized Christian men and women, better qualified than any other to aid in laying broad and deep the foundations of an American Commonwealth.

The active and well directed efforts of several states to secure their proportion of this European immigration, is the best evidence of its value. If we desire any of this population as citizens and permanent residents of Montana, the advantages and inducements offered to settlers in this territory must be truthfully and authoritatively placed before them prior to their departure from Europe. To do this, will require some care in the compilation of such information as would naturally be sought after by those intending to seek homes in a new and comparatively unknown country.

If you concur with me in the opinion that immigrants from the countries named are desirable for Montana, I respectfully

recommend that a small appropriation be made for the purpose indicated.

The subject of immigration and cheap labor is attracting such general attention that I deem it not inappropriate, in this connection, to say that I am opposed to the introduction into Montana or into the United States, of laborers who are apprenticed for a term of years, no matter from what country they may come. I am also opposed to the importation of laborers from any of the barbarous or semi-civilized races of men, and do not propose to co-operate in any scheme organized to bring such laborers into Montana, or into any part of this country.

CHINESE COOLIE TRAFFIC.

The history of the importation of Chinese coolies into the colonies of Great Britain, France, and Spain, and into the United States, under the pretext of necessity for cheap labor, is a history of enormities and crimes only equalled in treachery and atrocity by the horrors of the slave trade. So utterly infernal did this execrable commerce become, that the Congress of the United States was compelled, in deference to public opinion, to denounce against it the severest penalties of the law. The importation of Chinese coolies into the United States to-day, is in violation of the spirit, if not the letter, of our law.

The repeated revolts of these poor wretches on the high seas as soon as they comprehend their true condition, is the best evidence which can be adduced against this indescribable villainy.

On the shores of China these cheap laborers are induced by false promises to sign contracts, the contents of which they do not understand; after which they are persuaded on shipboard by their captors, and there retained by fraud and force until the vessel is completely packed with its cargo of human chattels. After a passage at sea which rivals in brutality the enormities practiced in the palmiest days of the slave trade, they are landed on our shores. The Chinese "merchants," to whom they are consigned, in anticipation of their arrival, make contracts for their labor, as slave masters formerly made contracts for the labor of their slaves; they also furnish a majority thus brought

over, with the scanty clothing and provisions upon which they subsist, and collect their wages from those who employ them, as slave masters formerly collected the wages earned by slaves. This is the kind of labor which the selfishness and cupidity of capital are seeking to introduce into this country, especially into the southern states, under the pretext that "the great want of America is cheap labor."

As I do not believe cheap labor to be the first nor the greatest want of Montana, or of the United States, I do not propose to aid in the introduction of any race of men into this country with the sole purpose of securing cheap labor. It should be our purpose rather to aid the working men of Montana and America to escape the consequences of a competition with such laborers as Chinese coolies; a competition which can only be disastrous to them, and advantageous to capitalists and monopolists.

The importations of a large number of cheap laborers from China, or any country whose male adult population can be apprenticed for a term of years and treated as slaves, will, beyond question, reduce the price of labor in this country, and affect injuriously every working man in the nation. Especially will this be the case in the southern states, where such labor can be more profitably employed than in the North. This competition will be felt more immediately and severely by the black men of the south, in the cultivation of rice, sugar, and cotton, than it can be in this territory, or in any northern state.

The American laboring man, whether white or black, is expected to live as a civilized man, and to support and educate a family, and, if need be, fight to maintain the honor and integrity of his country. His necessities and expenses are, therefore, greater than those of these cheap coolie laborers with whom he must compete. The coolie laborer has no family to support or educate; he has no interest in our society or government, and does not expect to become a citizen, and until he does he cannot be forced to enter our army.

The importation of such persons, or of barbarians from any country, or criminals, or diseased persons, or laborers of any race, whose adult population can be apprenticed for a term of years, and transported and treated as slaves, on condition of re-

ceiving the wages of slaves, is an offence against civilization, and a crime against free government.

The working men of America, who constitute the glory and strength of our nation, and are the bulwark of our civilization, are called upon, by erratic philanthropists, not only to welcome, but to aid in bringing to our shores millions of these *quasi* slave laborers and barbarians, in order to secure what they proclaim to be the great want of the country, "cheap labor;" and not only so, but they are patronizingly invited by those engaged in this abominable traffic to co-operate with them, and assist in their own degradation.

Fortunately for the best interests of our country and mankind, the practical men of the two great political parties have pronounced against the introduction of coolie labor, or apprenticed labor, or any labor which can be secured by force or fraud. There is a wide distinction between voluntary and involuntary immigration.

No state or territory of the Union, thus far, has made an organized effort to bring so undesirable a population among us. On the other hand, many of the states and territories have appointed commissioners of immigration — such as I have recommended — and have expended large sums of money to aid in securing a fair proportion of the valuable immigration which is *voluntarily* coming every year to our shores from the civilized but overcrowded countries of Europe.

The citizens of every nation with whom we have a treaty of amity and commerce, have secured to them the same rights and privileges in this country which are secured to citizens of the United States who may be temporarily or permanently domiciled in that country. For this reason, if no other, the citizens of China, who are now in this country, and all who may hereafter come, have the same rights secured to them which we demand for our own citizens while residing in China, in the pursuit of any lawful employment.

It is the duty, therefore, of every state and territory to see that neither the letter nor the spirit of our treaty with that country is violated. In view of this fact, and because the law operates unequally and unjustly, and is a violation of every dem-

ocratic principle, I have recommended a repeal of section 20 of the license law, which was designed to discriminate against Chinamen, by taxing them fifteen dollars per quarter for the privilege of washing and ironing. Equal and exact justice, no less than good faith on our part, requires that all subjects of China residing in our territory, should be taxed as our own citizens are taxed — no more, no less. Any attempt to evade this just requirement, by “unfriendly legislation,” is inconsistent with the dignity and the character of the American Government.

While advocating and laboring for a complete recognition of the rights of all men, of whatever race or country, and claiming for all, whether citizen or alien, who may be temporarily or permanently domiciled among us, the equal protection of the law, let it be distinctly understood that, when *inviting* and *aiding* immigration to our territory, for permanent settlement, that we have a preference as to the character of that immigration, and that we propose to invite and aid those only whom experience has taught us will make the most valuable citizens, as also the most desirable friends and neighbors.

I shall be glad to co-operate with you in the passage of any act designed to secure such an immigration to Montana from the civilized and Christian nations of Europe.

PUBLIC SCHOOLS.

To preserve the inestimable blessings of civil and religious liberty, and to teach, practically, the equality of all men before the law, it becomes the duty, no less than the interest, of every citizen of Montana to aid in providing and maintaining an efficient system of free education for all children within our territory.

Ignorance is the hand-maid of vice, and wherever ignorance and vice dominate in a territory or state, a just government, “protecting all, and granting special favors to none,” becomes impossible, and a government of force becomes a necessity. Universal education is the evangel of peace, order, and law, in a republic. It is the best weapon of protection and defence which civilized society can have. By it the minds and hearts of men

are prepared to enforce the law of right, rather than the law of might. Believing that an efficient school system will do more to advance Christian civilization, and preserve a truly Democratic Government than all other agencies combined, I invite your early and considerate attention to this the most important of all the interests committed to your care.

The gentleman who, for the past two years, has been acting as School Commissioner, having removed from the territory before my arrival, I am not in possession of such statistical and other information touching the condition of our schools as to justify me in making specific recommendations. Representing as you do, every portion of the territory, you are more familiar with the wants and necessities of our schools than I can be, and I am confident you will supply all the legislation which their fostering care demands.

Before passing from this subject, in which I feel a deeper interest than any other likely to come up before you, I may be pardoned if I make a single suggestion.

Confident that our school system is founded in wisdom and justice, and that it cannot be overthrown by the voluntary act of a free people, I am nevertheless not without anxiety as to the operative causes which may impair its usefulness. The strength of our school system is in the fact that it is free from sectarianism and the baneful influences of party. To maintain the vigor and efficiency of our public schools, it is necessary to guard against building up partisan or select schools. In proportion as denominational and select schools are strengthened our public schools will be weakened. The opponents of our public school system long ago learned the most vulnerable point of attack. They make their appeal to the rich and the fashionable, and especially to those who are earnestly sectarian. They assume that denominational and select schools are more genteel, more efficient, and above all, more religious; while they allege that the daily intercourse of the children of the rich and fashionable with the children of the poor in our public schools is demoralizing and morally dangerous. They declare that our teaching is inefficient and superficial, and in antagonism to true religion. I maintain, on the other hand, that the crowning glory of our

school system is the fact that the children of the rich and the poor sit side by side in all our public schools, and that the child of the poor man is at the head of his class oftener than the child of the rich man; that it leaves to the family, the Sunday School, and the Church, the religious training of all, and carefully excludes from every school all party and sectarian instruction; that in this daily contact of the children of all classes, each is better qualified for the practical duties of life, and their responsible duties to the state; that they learn with every lesson to respect intellectual and moral worth rather than riches and position, and thus at the very foundation of our political structure, the youth of our land are taught that the American Government recognizes neither class nor caste; that no citizen has any special advantage, the one over the other, by reason of law or usage; and that the teaching of sectarianism is no part of the duty of a free state.

Every independent school, whether select or sectarian, is necessarily a rival of our public schools, whether intended by their patrons and friends to be so or not, and however earnest and conscientious the supporters of such schools are, and as I know many of them to be, I am fully persuaded that the highest and best interests of all demand that neither denominational or select schools shall be fostered at the expense of our public schools. I therefore urge upon you the adoption of such measures as will strengthen and make more efficient the free schools of our young territory; that you will provide ample compensation for teachers and a sufficient fund for building suitable and substantial school buildings, with modern improvements, in every locality demanding them. Let us make our school houses more comfortable and commodious, and their surroundings more attractive than the haunts of vice, and we shall thus publicly recognize the fact that children have rights as well as men.

SPECIAL LEGISLATION.

In 1864, Congress, representing the sovereignty of the nation, organized a territorial government for the protection of its citizens residing on the public domain within the boundaries which now mark Montana. In conferring upon its citizens authority

to organize local civil government, it provided, "that the legislative power should extend to all rightful subjects of legislation consistent with the constitution of the United States, and the provisions of the Organic Act."

An examination of the acts of the Legislative Assembly of this territory since its organization, is well calculated to raise the question, whether the protection afforded the citizen by its local government compensated for its legalized oppression.

I do not now refer to the unnecessary and oppressive taxation which has eaten out the substance of the people and paralyzed the business interests of the territory; nor to the immense sums of money collected and expended by county and territorial officials; nor to the extraordinary indebtedness entailed upon the people by county and territorial authority. I may say, however, in passing, that the gross amount of money thus expended, when added to the gross amount of our indebtedness for all purposes, surpasses anything in the history of local civil government with which I am acquainted, for extravagance and reckless expenditure.

It is well known that but a small per cent of the proceeds of the territorial and county indebtedness, and of the vast sums collected and disbursed for the past five years, have been expended for property which is now owned by any city or county, or by the territory.

From all the information I have been able to gather, the entire property of all kinds and descriptions owned by cities, counties, and the territory, would not, in the aggregate, be valued at twenty per cent of the gross amount collected and disbursed since our territorial organization. This would leave something like 80 per cent of the entire amount collected, to be expended "for other purposes." Of the extraordinary amount thus collected and expended, but a small portion has been paid out to improve the streets of cities, or the public highways, or to build bridges; on the other hand, almost every public highway and stream within the territory has been committed, by special act of the Legislature, to the guardian care of a favored few, who have volutarily imposed upon themselves the convenient occupation of living at the public expense.

An examination of the laws of Montana discloses the astounding fact that prior to the amendment by Congress of our Organic Act, which prohibited the Legislative Assembly from granting special charters, a majority of all the acts, memorials, and joint resolutions, passed by the several Legislative Assemblies of this territory, were of a private character.

A large majority of these private acts conferred extraordinary privileges on a few individuals, and, of necessity, excluded from their enjoyment the great body of our citizens. And I speak with moderation when I say that many of these so-called laws authorized persons to do acts which were little better than legalized highway robbery. The whole territory was shingled with special franchises, so that travelers, and packers, and freighters, found in every canon, on almost every water-course, and on many broad and level plains, a toll collector, who demanded, as a condition to the passing of each, from *one to three* dollars. The smallest amount demanded at any toll-gate, as a rule, *is one dollar*. At rickety bridges, which are often unsafe for man or beast, from one to three dollars.

It is generally conceded that not more than one day's work to the mile, in any year, has ever been put on a majority of all these roads by the parties collecting toll on them. The greater portion of the road from the Capital to Corinne, Utah, which is the depot for Montana on the Pacific Railroad, was used by immigrants and freighters, and a daily line of stages, before charters were granted for a toll road over its entire length. It is also claimed that the stage and express companies expended more labor on this route, than those who hold the franchise. A team going to or returning from Corinne, Utah, to Helena, is compelled to pay over *forty dollars toll* for the privilege of passing over one of the most remarkable natural highways in the world, and on which it is claimed that there has never been expended on each mile of the road, by persons claiming it, the labor of one man for one day in each year. For every ton of freight which passes over this road from Corinne to Montana, the people of this territory are compelled to pay a tax of at least twenty dollars. It remains for you, gentlemen, to say whether this legalized plunder of the people shall continue.

I deny that the granting of such franchise is a "rightful subject of legislation." I also deny the right of the Legislative Assembly to grant special franchises over lands to which the Indian title has not been extinguished.

Every act of special legislation, which enables one man to obtain a living without labor, is an unjust and oppressive tax upon society. Every law which gives one man an advantage over another is an outrage upon justice, and a violation of the democratic idea in government. In a country of equal rights, there should be equal laws, so that no man could take from another a single dollar without returning him a fair equivalent. No man who ever passed over any of these toll roads will pretend to claim that he received anything like an equivalent for the toll which he was compelled to pay.

The first and highest duty of the legislature is to protect the laboring man from the grasping avarice of capital. I have looked in vain for any general or special act of the Legislative Assembly, from its organization to your present meeting, to secure the benefit of association or organization to any class of laboring men. Nowhere a single act to promote the agricultural development of the territory, save one, which authorized the organization of a Territorial Agricultural Society, graciously permitting it to exist by paying a tax of *one hundred dollars a year*. Instead of protection to labor and encouragement to agriculture, I find, in every edition of our statutes, every conceivable form of legislation which the ingenuity and cupidity of man can devise to aid, by special franchises, a few to secure a living at the expense of the many. If labor cannot be helped by legislation, it has, at least, the right to demand that it shall not be taxed for the benefit of a favored few.

In view of the wholesale plunder to which the people of the territory have been subjected by legislative authority, I earnestly recommend the repeal of *all* special charters granted by prior Legislative Assemblies, and that such companies or associations whose continued existence you may regard as indispensable to the public welfare, be permitted to reorganize within one year, under our general act of incorporation, under such rules and regulations as you may prescribe. I also recommend that you pre-

pare a memorial to Congress, asking for the abolition of toll roads from Montana, through Idaho, to Corinne, Utah.

Your attention is specially directed to the fact that county commissioners are authorizing persons to erect toll gates and build toll bridges and collect enormous tolls; thus assuming to grant special franchises, an authority which Congress has denied to the Legislative Assembly. Your familiarity with this matter will enable you to adopt the legislation needed to defeat this new usurpation of authority.

I recommend the passage of a general law providing for the municipal organization of cities of the first and second class, with such safeguards as shall more effectively secure the rights of persons and property in cities and towns. I also suggest that you prohibit the mayor or councilmen from receiving any compensation for their services.

I suggest that the Territorial Auditor be directed to fix the amount of toll which may be collected by all roads, bridge or ferry companies, which you may authorize to reorganize, basing his estimates of the value of each road, bridge, or ferry, on the returns made by its owner for taxation, and that the owners of all roads, bridges, and ferries be required to keep an account and report quarterly to the county treasurer of each county the number of teams and animals passing over any bridge, road, or ferry, and the amount of toll collected. And that no greater toll shall be collected than will secure twenty-five per cent annually on the value of the property as returned for taxation. And that for every violation by the claimant or keeper of any toll bridge, toll gate, or ferry, of any of the provisions of the law you may see proper to enact, that the person so offending shall, on conviction, forfeit and pay a fine of not less than fifty dollars, or be imprisoned in the county jail thirty days, and fed on bread and water, or both, at the discretion of the court.

I also specially recommend that it be made by law the duty of all district attorneys to defend all citizens arrested at the instance of any party claiming to own or collect toll at any bridge, or toll gate, or ferry, for refusing to pay any greater sum as tolls than those fixed and published by the Territorial Auditor.

NORTHERN PACIFIC RAILROAD.

It affords me pleasure to be able to say that the early completion of the Northern Pacific Railroad may now be regarded as a fixed fact.

The recent examination of the proposed route, by the party under the direction of Thomas H. Canfield, Esq., from Puget Sound, through Montana, eastward as far as the Yellowstone or Bozeman pass, established to the satisfaction of the gentlemen composing that party the practicability of the entire route.

Had the company which built the present Pacific road been familiar with the country through which the Northern Pacific is to pass, that road would, undoubtedly, have been built through Montana. Here we seldom have snow sufficient on the proposed route to impede the ordinary speed of a railroad train. Up to this writing (Dec. 8th) we have had no snow on the entire route through the territory. Not a mile of snow sheds will have to be built in this territory over the Northern Pacific, while the road will pass in Montana, through agricultural and timbered lands of more value than all the lands on the Central road, from the Missouri river to the Pacific ocean. In addition to this, there is more coal and iron in Montana than in Pennsylvania, more valuable pine timber than in the states of Maine, New York and Pennsylvania, or in Michigan and Wisconsin; more rich agricultural land than in Ohio, besides millions of acres of grazing lands which are not equalled on the continent, and on which horses, mules, cattle, and sheep subsist and fatten *in the winter months*, without other food or shelter.

Our gold, and silver, and lead, and copper mines, equal in richness and are far more extensive, and eventually will prove more valuable, than those of Nevada and California. When our numerous but undeveloped material resources come to be known, and the fact that we have a climate vitalizing to health, and more desirable than the climate of northern Ohio, Indiana and the adjacent states in the north and west, northern capital will promptly aid in the early completion of the Northern Pacific, and immigrants will pour into Montana, as they never have before.

FIFTEENTH AMENDMENT.

I congratulate you upon the fact, now conceded, that the National Constitution will soon be so amended as to conform to our new condition as a nation. The great privilege of the ballot will thus be secured by national authority to every citizen of the United States of mature years, whether native or foreign born, white or black. This welcome consummation secures the triumph in our government of the true democratic idea. In conferring the privilege of the ballot, the equal rights of all men are recognized, and the government becomes the agent of the citizen, instead of his master. Every citizen thus enfranchised, has placed in his hands the most formidable weapon of protection and defense known to a republican government. Experience teaches us that the ballot gives every man dignity and power, and all know that its proper use will secure him justice and a government administered in the interest of civilization and peace. It becomes our duty to conform our laws to the National Constitution. I therefore recommend that our election law, which prescribes the qualification of electors, be amended by copying the exact words of the fifteenth amendment. Whatever differences there may be as to its true interpretation, it will eventually be judicially determined, and thus all exciting questions touching the qualification of citizen electors in states and territories will practically pass from the political arena.

INDIAN TREATIES.

The citizens of Missoula county, residing in the Bitter Root Valley, have called my attention to the fact that a treaty has recently been made with the tribe of Flathead Indians, whereby a large reservation is proposed to be set off to said Indians, about the center of the valley, and extending from the summit of the mountains on the west, across the valley to the summit of the mountains on the east. The people residing in that valley, now numbering about seventy families, are justly alarmed at this proposition. A majority of the settlers own improved farms, and many of them are of great value. They have resided on them

without interruption for eight or ten years. They have built school houses and churches, and are surrounded with all the requirements of civilization. To make these improvements has required the labor of years. The establishment of an Indian reservation now in the very heart of this valley, will be an injustice for which there can be no shadow of excuse. It will, therefore, give me pleasure to unite with you in any proper protest and memorial to the Senate of the United States against the ratification of this treaty, or the ratification of any other treaty with this or any of the numerous tribes or bands of Indians which are roving over all parts of the territory.

The time has come when the people of the western states and territories ought to demand that henceforth the national government shall refuse to recognize the right of any tribe or band of wandering savages to make war or peace at pleasure. Treaty-making with all Indian tribes ought to cease, as also the policy of providing them with reservations as large as a number of our states, from which explorers and miners are excluded, and citizens denied the right of passage, while bands of Indians are permitted to roam at will over the entire territory.

The practical working of our Indian policy from the organization of the government to this time, has been an offense against civilization. As I have but little hope of seeing a change in our Indian policy while an Indian survives, I make no suggestions touching Indian affairs. The Indian Superintendency for Montana is committed to the care and management of an able and experienced army officer, whose familiarity with frontier life among Indians entitles him to our confidence. Major General Hancock, commander of this military department, and General De Trobriand, commander of the district of Montana, have both written and assured me that no effort shall be wanting on their part to protect the lives and property of our citizens who are exposed at isolated points to the plundering attacks of roving bands of Indian thieves.

INDIAN WAR DEBT.

In the spring of 1867, the settlers in the Gallatin Valley were threatened with an attack from a roving band of Sioux, assisted by Blackfeet and Crow Indians.

After laying waste a large portion of Minnesota, and massacring hundreds of citizens of all ages and sexes, this band of Sioux moved southward, committing depredations through Dakota, Wyoming, and a part of Colorado, and finally united with the hostile Indians in the valley of the Yellowstone.

It is well known that the Sioux are the most dangerous and formidable of all our Indian tribes. So war-like and savage are they, that the very name of Sioux is a terror alike to the friendly Indians and whites in the eastern part of Montana.

From the Yellowstone into the valley of the Gallatin, by the Bozeman Pass, access is so easy that this roving band of hostile Indians were not long in their new quarters, before they showed unmistakable signs of hostility. Able as these savages were to muster on short notice a well organized force of experienced and successful warriors, the settlers in the Gallatin were in a constant state of anxiety and alarm.

It is now believed that had these Indians at that time known the defenceless condition of the territory, they would have laid it waste by the torch and tomahawk, as they did in Minnesota. On the appearance of the Indians near the Bozeman Pass, a number of families left the valley and never returned.

Those who remained gathered their families and effects together, and after consultation, determined to remain if they could procure aid. They therefore dispatched couriers to Helena, one hundred and twenty miles, and to Virginia City, seventy odd miles, for assistance. General Meagher, then the acting Governor, telegraphed the Secretary of War, at Washington, and General Sherman, at St. Louis, for authority to raise a regiment to go to the protection of the Gallatin settlements. After obtaining such authority as the acting Governor thought sufficient, he issued a proclamation calling for eight hundred volunteer cavalry. Hundreds of our brave and generous citizens responded with alacrity, and were at once enrolled, armed and equipped, and marched through the valley of the Gallatin to the Yellowstone.

Though the Indians did not make the anticipated raid, it is now believed that but for the prompt appearance of so large and formidable a military force, the scenes enacted in Minnesota would have been repeated.

The expenses incident to calling out these troops have never been paid by the government.

I have made such inquiry touching the matter as satisfies me that the exigency which required them, was of such a character as to justify it.

Property to a large amount was furnished in good faith by citizens, on the supposed credit of the government. My attention has been called to the fact that many citizens of the territory, in their zeal and public spirit, advanced almost all their entire means, on the assurance of the Governor that they would be paid. A number of these citizens are greatly embarrassed to-day, because of the failure of the Government to pay them. I will take pleasure in transmitting such joint memorial to Congress as you may deem proper to pass, asking for an appropriation to pay so much of this indebtedness as on examination may be found just.

A memorial asking Congress to authorize the President to appoint a commission to consist of two officers of the regular army and one citizen of the territory, with authority to examine each claim, and pass upon and pay such as they find to be just, will meet my approval. The appointment of two officers of the regular army acquainted with frontier life, and the cost of arming and equipping men for such an expedition, would be satisfactory to the citizens who hold these claims against the Government.

With such a commission in the territory, authorized to take testimony, and with full power to pass upon and reject every account, I feel confident the honest claims could easily be separated from those alleged to be fraudulent and unauthorized.

APPROPRIATION FOR RIVERS.

In my recent trip in a small boat down the Flathead river and Clark's Fork of the Columbia, I was pleased to find a river which, with a small outlay, can be made navigable for at least one hundred miles above Thompson's Falls. Below the Falls there are now two fine steamers, recently built, in anticipation of a large immigration to that country. One of these boats has recently made a trip from the cabinet up to the Falls.

It is contemplated to put a steamer on above the Falls at an early day.

The recent Pacific Railroad party report that their measurement of the water at Thompson's Falls gave six times the volume which flows in the Ohio at Wheeling, Virginia, at an ordinary stage.

I recommend that a memorial be prepared asking Congress for a small appropriation to remove obstructions from the Missouri river, below Fort Benton, and if on examination it be deemed necessary, that Congress be asked to declare the Clark's Fork and the Flathead river, and the Missouri, above the Falls, navigable rivers.

The territory has not secured titles to the lands or lots on which are built the territorial arsenal in this city (Virginia) and Helena.

In case the cities of Helena and Virginia do not donate the land thus occupied, before you adjourn, I recommend that an appropriation sufficient to pay for the same be made, and that the Secretary be directed to file the necessary papers at once, and perfect for the territory title to said property.

AGRICULTURAL AND MINING INTERESTS.

I am not in possession of any statistical information touching our mining or agricultural interests.

Of the number of gold and silver quartz mills erected and the number being erected, I am unable to speak; nor am I able to give you any information as to the number, extent, or value of our placer mines, or the amount of bullion taken out this year.

It is generally alleged that owing to the entire absence of snow last winter, and the consequent deficiency of water, the amount is less than usual.

The number of miles of ditches built this year is said to be greater than ever before, and with a fair fall of snow in the mountains this winter a prosperous mining season is confidently predicted.

Our agricultural resources exceed my most sanguine hopes.

I have passed over the greater part of the settled portions of the territory, and I never saw finer crops growing. The productiveness of the soil exceeds that of any of the old states in which I have resided.

At our territorial fair. Major J. F. Forbis, now one of the members of the House from Lewis and Clark county, was awarded the premium for the best acre of winter wheat. Eighty-two bushels and thirty-eight pounds was the yield, and the entire field averaged over fifty bushels to the acre. I have been shown a number of fields from which seventy-five and one hundred bushels of oats to the acre have been harvested this year. In another year Montana will import no more breadstuffs, and in five years she will export largely of all cereals.

Almost everything grown in New England, New York, Canada, northern Ohio, Indiana, Michigan, Wisconsin, and Iowa will yield a greater crop in Montana.

In the Auditor's report you will find that 207,042 $\frac{5}{8}$ acres are under cultivation this year.

The number of acres of land entered and pre-empted by agriculturists this year, exceeds that of any other. This is the best evidence which can be presented of the permanent growth and future of Montana.

Congratulating you on the bright future which, under proper administration, awaits the territory, I welcome you, the chosen guardians of its interests, to the Capital, and am now prepared to co-operate with you in the enactment of such laws as, on a comparison of views, may be deemed necessary to secure the continued prosperity of her people.

JAS. M. ASHLEY.

"A."

The People of the Territory of Montana *ex. rel.* James L. Fisk, and James L. Fisk, plaintiff, *vs.* W. H. Rodgers, defendant.

This cause came up for hearing on this 1st day of December, A. D. 1869, upon motion of said plaintiff that judgment be rendered therein upon the complaint and answer of said parties.

After hearing the arguments of counsel, the court finds the following facts; to-wit:—

That the defendant, on the — day of November, A. D. 1867, was elected by the Legislative Assembly in joint convention, and duly commissioned by the Governor as Territorial Auditor, to hold the same until the general election in 1869.

That defendant took the oath prescribed by law, and filed bond, with sufficient sureties, in the sum of \$10,000, which was approved.

That defendant thereupon entered upon the discharge of his official duties, and has ever since continued so to do.

That at the general election, held upon the first Monday in August, A. D. 1869, defendant received a majority of all the votes cast for said office, took the prescribed oath, and entered into a bond conditioned for the faithful discharge of his official duties as required by law, in the sum of \$10,000, with sufficient sureties.

That defendant duly presented and offered to file the same in the office of the Secretary of said territory, who refused to file or receive the same.

That defendant has been, and still is, in the actual discharge of the duties and in the enjoyment of the emoluments of said office.

That the Governor of said territory, upon the 28th day of August, A. D. 1869, nominated and appointed James L. Fisk to said office, subject to the advice and consent of the Legislative Council of said territory.

That the said Fisk, on the 13th day of September, A. D. 1869, took the prescribed oath of office, and entered into an official bond in the sum of \$10,000, with sufficient sureties as required by law, which was then duly approved, and filed in the office of the Secretary of said territory.

That thereafter, the said Fisk was, in due form of law, commissioned by the Governor of said territory as such Auditor, to act until the next session of the Legislative Assembly.

That, on the 20th day of September, A. D. 1869, said Fisk gave notice to said defendant of said nomination and commission, and demanded possession of said office and the property and appurtenances incident thereto; and that defendant refused, and still

refuses, to deliver such possession, and continues to hold the same and execute the duties thereof.

Whereupon, it is further found by said court, as conclusion of law, as follows : —

That the Organic Act, section 7, provides the manner of filling offices. Township, district, and county officers are to be elected or appointed in such manner as shall be provided by the Governor and Legislative Assembly ; and the Governor shall nominate, and, by and with the consent of the Legislative Council, appoint, all officers not herein otherwise provided for.

That the Act of the Legislative Assembly of November 16, 1867 (page 72), provided that the Territorial Auditor should be elected by the Legislative Assembly, in joint convention, and commissioned by the Governor, and hold until the general election in 1869, when he should be elected by the qualified voters, and commissioned by the Governor, and hold for two years, and until his successor was elected and qualified. It also fixes events which shall constitute a vacancy in office, among which are “ removal by law,” and the decision of a competent tribunal declaring void his election or appointment. The Governor may then appoint some suitable person to perform the duties of said office until the next general election.

The Act of December 13, 1867, provides that, whenever a vacancy shall occur in this office, the Governor, by and with the advice and consent of the Legislative Council, shall appoint some suitable person to perform the duties of such office, until the general election next following such appointment.

That the office of Territorial Auditor is not a township, district, or county office, and, not being otherwise provided for by the Organic Act, must be filled by appointment by the Governor, by and with the advice and consent of the Legislative Council.

That the election of the defendant by the joint convention of the two Houses of the Legislative Assembly, his commission thereunder, and his election by the qualified voters of the territory, on the first Monday of August, A. D. 1869, were illegal and void. That such election and commission constituted defendant Auditor *de facto*, and that, as to third parties, during his continuance in said office, and prior to the rendering of this judgment, his acts are void.

That, under the Acts of the Legislative Assembly, and in the exercise of the executive power of the territory, the Governor has the power to appoint a suitable person to perform the duties of the office, in case of a vacancy occurring therein during the vacation of the Council, subject to the advice and consent of the Legislative Council, at its next ensuing session.

Wherefore, it is ordered and adjudged, that the defendant, William H. Rodgers, be excluded from said office of Territorial Auditor, and pay the costs of this action; and that the relator, James L. Fisk, is legally entitled to perform the duties of said office, and possess the property, and receive the endowments thereof.

And to the finding of the law and facts as herein stated, the defendant at the time excepted; and to the rendition of this judgment and decree, and to the ruling and opinion of the court therein, the defendant at the time excepted.

On motion of Mr. Mitchell, the joint convention dissolved.

The Council then resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Mr. Watson offered the following resolution:—

Resolved, That the Secretary of the territory be authorized to have two thousand copies of the Governor's Message printed for the use of the members of the Council; and that the Clerk of the Council deliver a copy of this resolution to the Secretary.

Mr. English moved to amend by striking out the word "two" and inserting in lieu thereof "one."

Amendment adopted.

The resolution, as amended, was then adopted.

Mr. George gave notice that he would, on Monday, or some subsequent day, introduce a bill entitled, "An act to repeal an act entitled 'An Act providing for the collection of revenue, approved Dec. 23d, 1867.'"

Also, a bill entitled "An act to repeal an act entitled 'An

Act to prevent officers from dealing in certain securities, approved February 2d, 1865.' ”

Mr. Word gave notice that he would, on Monday or some subsequent day, introduce a Bill entitled, “An Act to amend an act to regulate proceeding in civil cases in the courts of justice of Montana territory.”

Also, “An Act to amend an act entitled ‘An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved December 13, 1867, and repealing a certain act.’ ”

Mr. Edwards gave notice that he would, on Monday or some subsequent day, introduce a bill entitled, “An Act to amend an act entitled ‘An Act relating to counties and county officers, approved January 11, 1869.’ ”

On motion of Mr. Mitchell, the Council adjourned until Monday morning at 10 o'clock.

EIGHTH DAY.

DECEMBER, 13th, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of Saturday read and approved.

The President announced the following standing committees : —

Ways and Means — H. W. English, Thomas Watson, Frank H. Woody.

Judiciary — Samuel Word, Thomas Watson, A. G. P. George.

Internal Improvements — A. H. Mitchell, T. R. Edwards, John Jones.

Public Lands — John P. Barnes, John Jones, A. A. Brown.

Federal Relations — John Jones, Samuel Word, Frank H. Woody.

Incorporations — L. Daems, H. W. English, Thomas Watson.

Agriculture and Manufactures — Thomas Watson, John P. Barnes, John Jones.

Elections — C. W. Higley, L. Daems, A. H. Mitchell.

Indian Affairs — Frank H. Woody, C. W. Higley, T. R. Edwards.

Mines and Minerals — A. A. Brown, John P. Barnes, A. G. P. George.

Education — H. W. English, Samuel Word, A. A. Brown.

Towns and Counties — A. H. Mitchell, L. Daems, C. W. Higley.

Military Affairs — A. G. P. George, John P. Barnes, L. Daems.

Engrossemnt — John P. Barnes, C. W. Higley, H. W. English.

Enrollment — A. G. P. George, Samuel Word, F. H. Woody.

Printing — Samuel Word, A. H. Mitchell, H. W. English.

A communication from the Secretary of the territory was presented and read.

On motion of Mr. Word, the communication was laid on the table, for further consideration.

Mr. English gave notice that he would, on to-morrow or some subsequent day introduce a bill defining the duties of notaries public.

Mr. George introduced C. B. No. 1, entitled "An Act to repeal an act entitled 'An Act providing for the collection of revenue, approved Dec. 23, 1867.'"

Read first and second times, and referred to Judiciary Committee.

Mr. Word introduced C. B. No. 2, entitled "An Act to amend an act entitled 'An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members thereof, approved December 13, 1867.'"

Read first and second times, and referred to a select committee, consisting of Messrs. Edwards, Word, and Jones.

Mr. Watson offered the following resolution, which was adopted:—

Resolved, That the standing committee of the Council on Printing, be instructed to act in concert with a like committee of the House to provide for the use of both Houses of the Legislature the necessary printing, stationary, books, lights, fuel, &c., during the present session.

On motion of Mr. Word, the Clerk was instructed to present a copy of the resolution to the House. A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing that the House had appointed Messrs. Barret, Smith, and Cockerill, a Committee on Joint Rules to act with a like committee from the Council.

Messrs. Barnes, Jones, and Watson were appointed a committee to confer with the House Committee on Joint Rules.

The following report from the select committee on C. B. No. 2, was received:—

MR. PRESIDENT:—

Your Special Committee to whom was referred C. B. No. 2, entitled “An Act to amend an act entitled ‘An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved December 13, 1867,’” do recommend that it be referred to the Committee of the Whole.

T. R. EDWARDS, *Chairman*.

JOHN JONES.

Report accepted, and committee discharged.

On motion of Mr. English, it was made the special order of business for half past two o'clock, that Council go into Committee of Whole, on C. B. No. 2, at that hour.

Mr. Mitchell gave notice that he would on to-morrow or some subsequent day, introduce a bill entitled “An Act to dissolve the

bonds of matrimony existing between Olive Boody and George W. Boody.”

On motion of Mr. English, Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Mr. Edwards asked that he be relieved from the chairmanship of the Committee on Engrossment, and that Mr. English be appointed in his place.

Mr. George moved that the request be granted.

Mr. English called for a division of the question, and thereupon so much of Mr. George's motion as relieved Mr. Edwards from the committee was adopted.

On motion of Mr. English, the remainder of the question was laid on the table.

The report of the Territorial Auditor and Treasurer received; the reading of the same deferred until the regular order of business be gone through with.

The Committee on Joint Rules reported through their chairman, Mr. Barnes, as follows :—

MR. PRESIDENT :— Your committee to act in conjunction with a committee from the House on joint rules, beg leave to report, that we met the House committee and agreed to recommend the adoption of the joint rules of the last General Assembly.

Respectfully submitted,

J. P. BARNES, *Chairman.*

On motion of Mr. Edwards, the report was accepted, and the committee discharged.

On motion of Mr. Word, the report was adopted.

On motion of Mr. George, the Council went into Committee of the Whole on C. B. No. 2.

Council resumed. Mr. President in the chair.

The Auditor's report was taken up and the Clerk proceeded to read the same as follows :—

AUDITOR'S OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, Dec. 1, 1869. }

To the President of the Council and Speaker of the House of Representatives :—

Gentlemen :— I would call your attention to the fact that the present incumbents Auditor and Treasurer's term of office will expire during the present session of the Legislature, and before retiring would respectfully ask that a committee, composed of members from both Houses, be appointed to examine their book and make such settlement as their duty may require.

Respectfully,

W. H. RODGERS, *Territorial Auditor.*

W. G. BARKLEY, *Territorial Treasurer*, concurring.

ANNUAL REPORT OF THE AUDITOR OF MONTANA TERRITORY.

AUDITOR'S OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, Dec. 1, 1869. }

To the Honorable Council and House of Representatives of Montana Territory :—

Gentlemen :— I herewith submit my second annual report for the fiscal year ending Dec. 1, 1869, which I have condensed in as concise a manner as the requirements of the law will admit.

By reference to the abstract of the assessment returns in my former report, it will be seen that there is no material difference in the assessed valuation of the property of the territory of this and last year. On examination of the assessment returns, I am satisfied that with a proper assessment from all of the counties that the valuation would have reached to at least \$10,000,000.00, and would have made the burthen of taxation bear equally upon all and added materially to the receipts of the treasury. By reference to the table showing the indebtedness of the territory, you will find that the funded indebtedness amounts to \$65,528.-

36, with all the interest accumulating thereon paid up to this date, and a balance now in the hands of the Treasurer of \$10,-359.10, to be applied on the payment of bonds on the 1st of June, 1870, as provided in the 10th sec. of the funding act, which will reduce the bonded indebtedness to \$55,169.26. That, with \$54,-794.26 of warrants yet unpaid, will make the total indebtedness of the territory \$109,963.52. Under the provision for biennial session with proper economy, before the meeting of another legislature, the warrants will all be paid, and the bonded indebtedness reduced to less than \$40,000, and money in the treasury to meet a fair compensation to members and attaches for the next session. I would recommend that there be a fixed salary allowed to the Territorial Auditor, instead of a per centage on issues of territorial warrants, as is now the law. The reason should be obvious to the Legislature. It is to remove temptation from the officer to increase his compensation. All of the county treasurers, except the treasurer of Meagher county, have made their annual settlements as required by law, and balance, as shown from tabular statements, leaves uncollected \$7,841.56, which will come into the treasury on the first of the next quarter, and will be increased by taxes from additional assessment to at least \$10,000.00.

I have the honor, gentlemen, to be your obedient servant,

W. H. RODGERS, *Territorial Auditor.*

A communication through Mr. Rockfellow, Chief Clerk.

The following notices have been given in the House:—

By Mr. Barrett — “To amend the School Law.”

Also, “An Act concerning the payment of jurors.”

Also, “An Act to repeal an act entitled ‘An Act to prevent officers from dealing in certain securities.’”

Mr. Elwell — “To legalize the action of the treasurer of Deer Lodge county in paying certain moneys out of the county treasury.”

Also, “An amendment to section 7 of an act entitled ‘An Act providing for the collection of the revenue.’”

Also, "To authorize the county commissioners to call extra sessions of their body."

Mr. Forbis — "To amend section 7 of the Revenue Law."

Also, "Authorizing the Treasurer to pay off territorial bonds."

Mr. Smith — "To repeal the charter known as the Parsons or King and Gillett's Toll Road, from Virginia City to Helena."

Mr. Jordan — "To repeal the acts creating the office of Territorial Superintendent of Public Instruction."

Mr. Cope — "To amend section 28 of the Revenue Law."

Mr. Williams — "For the removal of the seat of government."

Mr. Cockerill — "To legalize an act of the county commissioners of Gallatin county in paying the assessor of 1869 out of the public funds of the county."

On motion of Mr. Mitchell, the further reading of Auditor's and Treasurer's reports was dispensed with, and five hundred copies of each ordered printed.

Mr. George, chairman of the Committee of the Whole, reported as follows : —

MR. PRESIDENT : — The Committee of the Whole, to whom was referred C. B. No. 2, "An Act to amend an act entitled 'An Act defining the Council and Representative districts of the territory of Montana and apportioning the members of the Legislative Assembly thereof, approved December 13, 1867,' " beg leave to report that they have had the same under consideration, and have instructed me to report the same back, with substitute for section 2, and report progress.

A. G. P. GEORGE, *Chairman*.

Mr. Jones gave the following notice : —

MR. PRESIDENT : — I hereby give notice that on to-morrow or some future day, I will introduce a Bill to be entitled, "An Act to amend an act entitled 'An Act regulating the fees of officers, jurors, and witnesses, approved February 9th, 1865,' and an act of the same character, approved December 23, 1867 ;" also,

“An Act to amend several acts now in force, giving increased compensation and salaries to officers of the territory.”

JONES.

On motion of Mr. Edwards, Council adjourned until to-morrow morning at 10 o'clock.

NINTH DAY.

TUESDAY, Dec. 14, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

The Judiciary Committee reported as follows:—

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred Council Bill No. 3, being “An Act to repeal an act entitled ‘An Act to prevent officers from dealing in certain securities, approved February 2d, 1865,’” beg leave to report the same back with the recommendation that the same do not pass; and further, that the accompanying Bill be passed as a substitute therefor, the same being “An Act to amend an act entitled ‘An Act to prevent officers from dealing in certain securities.’”

WORD, *Chairman*.

The following minority report was submitted from the same committee:—

MR. PRESIDENT—A minority of your committee to whom was referred C. B.No. 3, “An act to repeal an act to prevent officers from dealing in certain securities,” &c., beg leave to report that they have had the same under consideration, and that in their opinion the act intended to be repealed by the Bill here reported upon, is one of that class of laws now upon our statute books, wholly inoperative if not void; and that it is unjust, unreasonable, and impolitic in its requirements. Previous to the law known as the

"Registration Act," such a law was necessary, in fact of the most vital importance to the interest of the territory and the different counties; without such a law at that time, county treasurers might have purchased county or territorial warrants at depreciated prices, and placed them to their credit as a balance against money due from them. But the act approved November 9, 1867, prohibiting as it does all county treasurers from receiving for tax, county or territorial warrants other than those issued in the name of the party desiring to pay such tax, and then only in sums in proportion to the amount due the proper county or territory, therefore no settlement or payment can be made with warrants taken in any other way than as here provided. This supersedes the necessity of a law prohibiting officers from dealing in warrants, and renders such an act wholly unnecessary. Under our present laws no advantage can be taken of the territory or any county by officers being permitted to deal as others do in warrants. This being the opinion of a minority of your committee I would recommend that the Bill referred do pass, and that all persons after procuring the proper license be permitted to compete in the purchase and sale of warrants, believing that thereby the market price of warrants will be greatly increased, thereby benefited, and no one injured thereby.

Respectfully submitted.

A. G. P. GEORGE,

Minority of Judiciary Committee.

On motion the minority report was laid on the table.

On motion of Mr. Mitchell, the majority report adopted.

Mr. George gave notice that he would, on to-morrow or some future day, introduce the following bills:—

"An Act to repeal an act entitled 'An Act to incorporate the Virginia City and Summit City Wagon Road Company, approved January 27th, 1865.'"

Also, "An Act to repeal an act entitled 'An Act to incorporate the Nevada City and Red Rock Wagon Road Company, approved January 28th, 1865.'"

Mr. Daems gave notice, that he would, on to-morrow or some

future day, introduce a Bill, "Amendatory of an act entitled 'An Act authorizing the repeal of an act to incorporate the City of Virginia, approved Dec. 30th, 1864.'"

Mr. Higley, by permission, without previous notice, introduced C. B. No. 4, entitled "An Act to authorize the citizens of Jefferson county to change the county seat of said county."

Read first and second times and referred to special committee, consisting of Messrs. Higley, George and Jones.

Mr. Higley gave notice that he would, on to-morrow or some subsequent day, introduce a Bill entitled "An Act providing extra compensation to the Secretary of Montana territory, approved Dec. 24, 1867."

C. B. No. 2 taken up and referred to Judiciary Committee.

On motion of Mr. Word, C. B. No. 1 taken up, considered engrossed, rules suspended, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, George, Higley, Jones, Mitchell, Word, Watson, Mr. President — 10.

Nays — none.

Absent, Messrs. Brown and Woody. Excused, English.

Mr. Word called up C. B. No. 3, ordered engrossed.

Mr. George offered the following:—

Resolved, By the Council, the House concurring, that a committee of two on the part of the Council be appointed to meet a like committee on the part of the House, to propose amendments to the Revenue and License Laws.

Resolution adopted, and Messrs. George and Watson appointed.

On motion of Mr. George, the Council voted to go into Committee of the Whole at 3 o'clock P. M. to-day, to consider the Governor's Message.

Mr. George offered the following resolution, which was adopted:—

Resolved, That the reporter for the *Capital Times*, and the reporters for all newspapers in the territory who so desire, together with all ex-members of the Legislature, be admitted within the Bar of the Council.

Mr. Higley, by consent, introduced C. B. No. 5, entitled "An Act to repeal an act entitled 'An Act providing extra compensation to the Secretary of the territory of Montana, approved Dec. 24, 1867.'"

Read first and second times, and referred to Committee of Ways and Means.

Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

The President appointed Mr. Barnes chairman of the Committee on Engrossment.

Communications from the House, through the Chief Clerk, Mr. Rockfellow, announcing notice of the following bills: —

By Mr. Bailey — "Authorizing the county commissioners of Madison county to issue fifteen thousand dollars in county bonds to apply on the construction of the capital ditch in Madison county."

Mr. Forbis — "Regulating the salary of the Territorial Auditor, and setting apart an additional per cent to the sinking fund for the payment of the same."

Mr. Wann — "To repeal portions of an act entitled 'An Act defining the Council and Representative districts of the territory of Montana, and apportioning members of the Legislative Assembly, approved December 13, 1867;' and the act amending the same, approved January 15, 1869, and to fix the time when the Legislative Assembly shall hereafter convene."

Also, "An Act to repeal section 12 of an act concerning licenses, approved January 15, 1869."

Mr. Lamme — “To repeal an act entitled ‘An Act to protect and regulate the irrigation of land in Montana territory, approved January 12, 1865,’ and to make provision for the construction of ditches and the irrigation of agricultural lands.”

Mr. Cope — “To amend ‘An Act amendatory to an act securing lands to mechanics and others.’”

Mr. Pounds — “To amend section 12 of the act concerning licenses.”

Mr. Murphy — “Relative to working and holding quartz ledges hereafter.”

Mr. Elwell — “To prevent bulls from running at large at a particular portion of the year.”

Also, that the following Bills have been introduced:—

By Mr. Barrett — H. B. No. 1, “An Act to amend an act entitled ‘An Act establishing a common school system for the territory of Montana.’”

Mr. Elwell — H. B. No. 2, “An Act authorizing the Treasurer of Deer Lodge county in certain moneys.”

Also, H. B. No. 3, “An Act relating to counties and county officers.”

Mr. Cope — H. B. No. 4, “An Act to repeal an act to provide extra compensation to the Secretary of Montana territory.”

Mr. Forbis — H. B. No. 5, “An Act to amend the revenue law.”

Also, H. B. No. 6, “Authorizing Territorial Treasurer to pay certain bonds.”

Also, H. B. No. 7, “An Act regulating the Auditor’s salary.”

Also, the following notices of bills:—

By Mr. Boswell — “Concerning the killing of game at certain seasons of the year.”

Mr. Cockerill — “An Act to amend an act entitled ‘An Act relating to counties and county officers, approved January 11, 1869.’”

That the following resolutions have been adopted by the House :—

Resolved, That this House will not entertain any cases of divorce during the present session.

Also, H. B. No. 1.

Also, notice that the House have appointed Messrs. Hickman, Forbis, and Lamme a committee on the part of the House to act with the committee appointed by the Council to propose amendments to the revenue and license laws.

The following notice by Mr. George :—

That on to-morrow, or some subsequent day, I will introduce a Bill entitled “ An Act to encourage immigration into the territory of Montana.”

House Bill No. 4 taken up, read first and second times, and referred to the Committee of Ways and Means.

House Resolution No. 1 taken up, read first and second times, and laid on the table.

Committee of Judiciary made the following report :—

MR. PRESIDENT :— The Committee on Judiciary, to whom was referred C. B. No. 2, entitled “ An Act to amend an act entitled ‘ An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved December 13, 1867,’ ” beg leave to report that they have had the same under consideration and report the same back, and recommend its passage with an amendment striking out the substitute for section 2, adopted by Committee of the Whole, and in lieu thereof insert amendment attached.

WORD, *Chairman*.

Report was adopted ; and the Bill, as amended, was ordered to be engrossed.

Committee on Engrossment reported back C. B. No. 3 correctly engrossed.

Mr. Word called up C. B. No. 3. Read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, Mr. President— 11.

Nays — none.

Absent, Messrs. Brown and Woody.

Title agreed to.

Mr. Word, by consent, without previous notice, introduced C. B. No. 6, “An Act declaring Sarah Francis Gorham of lawful age.

Read first and second times, and referred to Judiciary Committee.

On motion of Mr. Mitchell, the Governor’s Message was made the special order in Committee of the Whole, at eleven o’clock A. M. to-morrow.

On motion of Mr. English, the Council adjourned.

TENTH DAY.

DECEMBER 15, 1869.

Council met. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

Engrossment Committee reported back C. B. correctly engrossed.

The following notices were given:—

By Mr. English — “An Act regulating fees of district clerks.”

Also, “To amend section one (1) of an act concerning licences exempting mutual life insurance companies from paying license, approved Jan. 15, 1869.”

Mr. Word—"To regulate the fees of sheriffs and justices of the peace."

Mr. George—"To regulate the salary and fees of district attorneys."

Mr. Edwards—"To regulate the fees of county clerks and recorders."

Mr. Mitchell—"To provide for the care, maintenance, and medication of indigent insane of the territory of Montana, and to create a fund for that purpose."

The following Bills were introduced:—

By Mr. Daems—C. B. No. 7, entitled "An Act amendatory of an act entitled 'An Act to authorize the repeal of an act to incorporate the City of Virginia.'"

Read first and second times, and referred to Committee on Incorporations.

By Mr. Jones—C. B. No. 8, entitled "An Act providing for compensation of certain officers, and repealing certain acts and parts of acts."

Read first and second times, and referred to Committee of Ways and Means.

A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing the following notices of Bills introduced:—

By Mr. Wann—H. B. No. 8, entitled "An Act to repeal section 12 of an act concerning licenses, approved January 15, 1869."

By Mr. Bailey—H. B. No. 9, entitled "An Act fixing the time of the meeting of the Legislative Assembly of Montana."

By Mr. Smith—H. B. No. 10, entitled "An Act to repeal an act to incorporate the Prickley Pear and Virginia City Wagon Road Company."

By M. Jordan—H. B. No. 11, entitled "An Act to repeal an act creating the office of Territorial Superintendent."

H. J. R. No. 1 taken up, read first and second times, adopted. Messrs. Edwards, and Jones appointed committee on the part of the Council to act with the House committee.

C. B. No. 2, "An Act to amend an act entitled 'An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved Dec. 13, 1867.'" Taken up and read third time, and passed by the following vote:—

Ayes— Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President.

Nays— none.

Absent, Messrs. Brown and Woody.

Mr. George, chairman of Committee on Whole, reported, asking leave to set again.

On motion of Mr. Mitchell, the Council voted to postpone the special order for 11 o'clock until 2½ o'clock P. M.

On motion of Mr. George, Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — Messrs. Brown and Woody absent.

Communication from the House, through Mr. Rockfellow, Chief Clerk, announcing the following notice of bills:—

By Mr. Hickman — "To repeal an act granting extra compensation to members of the Legislative Assembly of Montana."

The following bills have been introduced in the House:—

By Mr. Smith, by consent— House Bill No. 12, entitled "An Act to amend an act to provide increased compensation to officers of this territory."

By Mr. Murphy — H. B. No. 13, entitled "An Act to amend

an act relating to the discovery of gold and silver quartz lodes, and the manner of their location, approved December 26, 1864.”

House J. R. No. 3 taken up, read first and second times, and referred to Committee on Ways and Means.

On motion of Mr. Mitchell, the Auditor and Treasurer's reports were referred to the Committee on Ways and Means.

The following resolution was offered by Mr. Mitchell and adopted: —

Resolved, That the Committee on Ways and Means, to whom was referred the report of the Auditor and Treasurer, be and they are hereby authorized to employ such assistants in the examination of territorial accounts as may be deemed necessary.

On motion of Mr. Word, the Council went into Committee of the Whole to consider the Governor's Message, Mr. Mitchell in the chair.

Council resumed. Mr. President in the chair.

On motion of Mr. George, Council adjourned.

ELEVENTH DAY.

DECEMBER 16th, 1869.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

A petition from the citizens of Deer Lodge was received and referred to committee.

Committee of Incorporations reported back C. B. No. 7, with a substitute for the same.

Report accepted. Substitute adopted.

The following bills were introduced: —

By Mr. English — C. B. No. 9, entitled "An Act to provide the appointment of notaries public, and to prescribe their duties." Read first and second times, and referred to the Committee on Printing, and fifty copies ordered to be printed.

Mr. George — C. B. No. 10, "An Act organizing an Immigration Bureau." Read first and second times, and referred to a Select Committee, consisting of Messrs. George, ———

Also, C. B. No. 11, "An Act to amend an act entitled 'An Act providing for the collection of revenue, approved January 15, 1869.'" Read first and second times, and referred to the Judiciary Committee.

Mr. Word — C. B. No. 12, "An Act to amend an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana, approved December 23d, 1867.'" Read first and second times and referred to Committee on Printing, and fifty copies ordered to be printed.

Mr. Jones — C. B. No. 13, "An Act to amend an act entitled 'An Act defining the duties of county treasurers and the payment of county warrants, approved November 9, 1867, and repealing certain acts.'" Read first and second times, and referred to Committee on Ways and Means.

Mr. Mitchell, chairman of the Whole, made the following report, which was adopted : —

MR. PRESIDENT : — The Committee of the Whole, to whom was referred the Governor's Message, beg leave to make the following report : —

They recommend that that portion of said message relating to the meeting of the "Legislative Assembly" be referred to the Committee on Judiciary.

That portion relating to the Auditor and Treasurer, to the Committee on Judiciary.

To the elections, to the Committee on Elections.

To biennial sessions of the Legislature, to the Committee on Judiciary.

To financial reports, to the Committee on Ways and Means.

To revenue and license laws, to the Committee on Ways and Means.

To immigration, to the Committee on Federal Relations.

To education, to the Committee on Education.

To importation of China coolies, to the Committee on Federal Relations.

To special legislation, to the ——

To North Pacific Railroad, to the Committee on Internal Improvements.

To fifteenth constitutional amendment, to the Committee on Elections.

To Indian treaties, to the Committee on Indian Affairs.

To Indian war debt, to the Committee on Military Affairs.

To Missouri and Flathead rivers, to the Committee on Internal Improvements.

To mines and minerals, to the Committee on Mines and Minerals.

And to agriculture and manufactures, to the Committee on Agriculture and Manufactures.

A. H. MITCHELL, *Chairman*.

A communication from the House through Mr. Rockfellow, Chief Clerk, was received making the following announcement:—

Notice of the introduction of bills.

By Mr. Cockerill — “Relating to school lands.”

Mr. Cope — “Relating to Texas and Indian cattle.”

Mr. Bailey — “Concerning limitations.”

Mr. Hickman — “Relating to agricultural, mechanical, and mineral interests of Montana.”

Mr. Barrett — “Relating to costs.”

Bills introduced in the House :—

By Mr. Wann — H. B. No. 14, "An Act to further define the duties of district attorneys."

Mr. Cope — H. B. No. 15, "An Act relating to the offices of Territorial Auditor and Treasurer.

Mr. Barrett — H. B. No. 16, "An Act to incorporate the Virginia City and Prickley Pear Wagon Road Company."

Also, "An Act to repeal an act, entitled 'An Act to incorporate the Little Prickley Pear Wagon Road Company.'"

Mr. Bailey — H. B. No. 17, "An Act authorizing commissioners of Madison county to take stock in the Capital Ditch Company."

Mr. Lamme — H. B. No. 18, "An Act relating to the irrigation of Lands in Montana."

Mr. Boswell — H. B. No. 19, "An Act relating to killing game."

Mr. Barrett — H. B. No. 20, "Relating to costs."

Mr. Edwards gave notice of the introduction of a bill entitled "An Act to amend an act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby, approved January 14th, 1869."

The Committee on Judiciary made the following report :—

MR. PRESIDENT :— Your committee to whom was referred C. B. No. 6, being "An Act declaring Sarah Francis Gorham, of lawful age," beg leave to report the same back, with the recommendation that the same pass with the following amendment: Insert, after the word "sixteen" and before the word "be," in the second line of the first section of said bill, the words "a citizen of Montana."

Mr. Barnes offered the following resolution, which was adopted:

Resolved, That the Committee on Printing be instructed to request the publishers of the *Capital Times* to publish the Journal of each days proceedings of the Council in the tri-weekly

edition of said paper, and procure three copies thereof to be distributed to each member of the Council.

H. B. No. 1, was taken up. Read first and second times, and referred to Committee on Election.

H. B. No. 2, taken up. Read first and second times, and referred to a Special Committee consisting of the Deer Lodge delegation.

C. B. No. 7, called up. Rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 11.

Nays — none.

Absent — Messrs. Brown and Woody.

Title agreed to.

C. B. No. 6, ordered engrossed.

Council took a recess until two P. M.

TWO O'CLOCK, P. M.

Council met. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

The following bills were introduced :—

By Mr. Daems — Council Bill No. 14, “ An Act for the repeal of an act entitled ‘ An Act for a better observance of the Lord’s day, approved December 10, 1867.’ ” Read first and second times, and referred to Judiciary Committee.

Mr. Barnes — C. B. No. 15, “ An Act authorizing the citizens of Meagher county to change the county seat of said county.” Read first and second times and referred to Committee on Towns and Counties.

The Special Committee on H. B. No. 2, reported as follows :—

MR. PRESIDENT:—Your committee to whom was referred H. B. No. 2, have had the same under consideration, and beg leave to report the same back, with the recommendation that the same do not pass; and that the substitute attached be passed in lieu thereof.

Respectfully submitted,

A. H. MITCHELL,
W. B. DANCE.

Report accepted and committee discharged.

Report accepted, and on motion of Mr. Mitchell, the Council substitute was considered engrossed. The rules suspended, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 10.

Nays — Mr. Daems — 1.

Absent, Messrs. Brown and Woody.

Title agreed to.

C. B. No. 6, reported back, correctly engrossed.

Taken up, read third time, passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President—11.

Nays — none.

Absent, Messrs. Brown and Woody.

Title agreed to.

H. B. No. 2, on motion of Mr. Mitchell, was indefinitely postponed.

On motion of Daems, original C. B. No. 7, was indefinitely postponed.

The following report from the joint committee, appointed to wait on the Secretary of the territory, was received.

MR. PRESIDENT:—Your joint committee on H. C. R. No. 2 would respectfully report, that they have waited on the Hon. W.

S. Scribner, Secretary of the territory, and have received the following communication in reply :—

T. R. EDWARDS, *Chairman*.

Report accepted and the committee discharged.

On motion of Mr. Word, the Clerk was instructed to furnish a copy of the Secretary's communication to the Clerk of the House.

On motion of Mr. Jones, Council adjourned.

TWELFTH DAY.

DECEMBER 17, 1869.

Council met. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody. Messrs. Daems and Mitchell on leave.

Journal of yesterday read and approved.

The following communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing :—

The following Bills have passed the House :—

C. B. No. 2, and C. B. No. 3.

H. B. No. 7, H. B. No. 6, and H. B. No. 11.

The following Bills have been introduced in the House :—

By Mr. Barrett — H. B. No. 21, "Concerning the payment of jurors."

By Mr. Cope — H. B. No. 22, "To amend the license law.

The Committee on Judiciary made the following report :—

MR. PRESIDENT :— Your Committee on Judiciary, to whom was referred Council Bill 11, being "An Act to amend an act entitled 'An Act providing for the collection of Revenue, approved January 15, 1869,'" beg leave to report the same back to the

Council, and recommend that the same be referred to Committee of the Whole for amendment.

WORD,

Chairman.

Adopted.

The Committee on Ways and Means made the following reports:—

Your committee to whom was referred C. B. No. 16, entitled "An Act regulating the fees of county clerks and recorders," have had the same under consideration and ask leave to report the same back, and recommend the adoption and passage of the following amendments: section one (1), line thirteen (13), strike out the words "territorial" and "county," and after the word "revenue" add the words "from all sources." Also,

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 5, entitled "An Act to repeal an act to provide extra compensation to the Secretary of Montana, approved Dec. 24, 1867," beg leave to report the same back to the Council, with the recommendation that it do not pass, and that H. B. No. 4 be substituted in lieu thereof, and recommend its passage.

ENGLISH.

On motion of Mr. Word, the Council went into Committee of the Whole to consider H. B. No. 4. Mr. Jones in the chair.

Council resumed. Mr. President in the chair.

Committee of the Whole, through Mr. Jones, chairman, reported as follows:—

MR. PRESIDENT:—The Committee of the Whole, to whom was referred H. B. No. 4, beg leave to report the same back to the Council, with the recommendation that the same do pass with the following amendments:—

SECTION 2. That the Auditor of this territory is hereby forbidden to issue any warrants upon the Territorial Treasurer for extra compensation for any quarter's salary that has not been drawn by the Secretary at the passage of this act. Also,

Change section 2 in the original bill to section 3.

Report, with amendment, adopted, and amendment ordered engrossed.

H. B. No. 6 taken up, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 7 taken up, read first and second times, and referred to Committee on Judiciary.

H. B. No. 11 taken up, read first and second times.

Motion of Mr. English, to indefinitely postpone action on the bill, lost by the following vote:—

Ayes—Mr. English—1.

Nays—Messrs. Barnes, Edwards, George, Higley, Jones, Watson, and Word—7.

Absent, Messrs. Brown and Woody, and Messrs. Daems and Mitchell on leave.

The bill was then referred to Committee on Education.

On motion of Mr. Edwards, the Council went into Committee of the Whole to consider C. B. No. 11. Mr. Edwards in the chair.

Council resumed. Mr. President in the chair.

Mr. Edwards, chairman of the Committee of the Whole, reported as follows:—

MR. PRESIDENT:—The Committee of the Whole, to whom was referred C. B. No. 11, entitled “An Act to amend an act entitled ‘An Act providing for the collection of revenue, approved January 15, 1869,’” beg leave to report the same back to the Council, and recommend its reference to Special Committee for further amendments.

On motion of Mr. English, C. B. No. 5 indefinitely postponed.

Council took a recess till 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody, and Mr. Mitchell on leave.

A communication from the House, through Mr. Rockfellow, Chief Clerk, announcing the following bills have been introduced in the House: —

By Mr. Cockerill — H. B. No. 23, relating to county treasurer of Gallatin county.

By Mr. Hickman — H. B. No. 24, "An Act relating to the agricultural, mechanical, and mineral interests of Montana.

Notices of introductions of bills in the House: —

By Mr. Hickman — "An Act to repeal an act to incorporate Madison River Ditch Co."

Mr. Williams — "Concerning counties and county officers."

Mr. Barnes reported from Committee on Engrossment, amendment to H. B. 4, correctly engrossed.

Also, C. B. No. 13, correctly engrossed.

Mr. Word made the following report: —

MR. PRESIDENT: — Your Committee on Judiciary, to whom was referred C. B. No. 14, being "An Act to repeal an act entitled 'An Act for better observance of the Lord's day,'" approved December 10, 1867, beg leave to report the same back to the Council, with the recommendation that the substitute be adopted.

Mr. Edwards moved the adoption of the report, and the substitute.

Mr. Watson moved to indefinitely postpone the whole matter.

Ayes and nays called for, and the motion lost, by the following vote: —

Ayes — Messrs. Higley and Watson — 2.

Nays — Messrs. Barnes, Daems, Edwards, English, George, Jones, Word, and Mr. President — 8.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Mr. Mitchell — 1.

Mr. Daems then moved to lay the bill and substitute on the table.

Yeas and nays called for, and lost, by the following vote:—

Ayes—Messrs. Daems, George, and Watson — 3.

Nays—Messrs. Barnes, Edwards, English, Higley, Jones, Word, and Mr. President — 7.

Absent, Messrs. Brown and Woody — 2.

Absent, Mr. Mitchell on leave — 1.

The original motion was then carried by the following vote, the ayes and nays having been called for:—

Ayes—Messrs. Barnes, Edwards, English, Jones, Word, and Mr. President — 6.

Nays—Messrs. Daems, George, Higley, Watson — 4.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Mr. Mitchell — 1.

The substitute was then ordered engrossed.

On motion of Mr. Word, the original C. B. No. 14 was indefinitely postponed.

C. B. No. 13 taken up, read third time, passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President — 10.

Nays—None.

Absent, Messrs. Brown and Woody, and Mr. Mitchell, on leave — 3.

H. B. No. 4, “An Act to repeal an act entitled ‘An Act providing extra compensation to the Secretary of Montana Territory, approved December 24, 1867,’” with C. amendment, was then taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Word, Watson, and Mr. President—9.

Nays—Mr. George—1.

Absent, Messrs. Brown and Woody, and Mr. Mitchell, on leave—3.

Mr. Watson, by consent, without previous notice, introduced C. B. No. 17, entitled “An Act to amend an act entitled ‘An Act in relation to public highways, approved January 6, 1869.’” Read first and second times, and referred to Committee on Internal Improvements.

On motion of Mr. Edwards, Council adjourned.

THIRTEENTH DAY.

DECEMBER 18, 1869.

Council met. Mr. President in the chair.

Roll called—absent, Messrs. Brown and Woody, and Mr. Mitchell, on leave.

Journal of yesterday read and approved.

The Committee on Education, through the chairman, Mr. English, reported as follows:—

MR. PRESIDENT:—Your Committee on Education, to whom was referred H. B. No. 1, have had the same under consideration, and would respectfully beg leave to report the same back to the Council, with the recommendation that it do pass, with the amendments attached therewith.

ENGLISH.

The report, with amendments, were adopted, and the amendments ordered engrossed.

A communication from the House, through Mr. Rockfellow,

Chief Clerk, was received, announcing the following bill had passed the House:—

H. B. No. 16.

Mr. George, chairman of the Select Committee, to whom was referred C. B. No. 11, reported as follows:—

MR. PRESIDENT:—Your Select Committee, to whom was referred C. B. No. 11, report that they have had the same under consideration, and have directed me to report the same to the Council, and recommend its passage, with amendments attached.

A. G. P. GEORGE,

Chairman of Select Committee.

Report accepted and committee discharged, and, on motion of Mr. Daems, the report, with amendments, adopted.

The Committee on Enrollment reported as follows:—

MR. PRESIDENT:—Your Committee on Enrollment beg leave to report that they have presented to His Excellency, the Governor, C. B. No. 1, “An Act to repeal an act entitled ‘An Act providing for the collection of revenue, approved Dec. 23, 1867,’” and,—

C. B. No. 2—“An Act to amend an act entitled ‘An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved Dec. 13, 1867,’” and—

C. B. No. 3, “An Act to amend an act entitled ‘An Act to prevent officers from dealing in certain securities, approved Feb. 2, 1865,’” for his approval, at 11 o’clock A. M. this Dec. 18th, 1869.

A. G. P. GEORGE,

Chairman.

The same committee also reported the same bills as correctly enrolled.

The following bills were introduced:—

By Mr. Word—C. B. No. 18, “An Act to regulate the fees of sheriffs in Montana territory.” Read first and second times, and referred to Committee on Ways and Means.

Mr. George — C. B. No. 19, “An Act to authorize officers to prosecute suits without giving bonds.” Read first and second times, and referred to Judiciary Committee.

H. B. No. 16 taken up, read first and second times, and referred to Committee on Judiciary.

The Committee on Internal Improvements, to whom was referred C. B. No. 17, report the same back, with amendments.

The report was adopted, and the bill, as amended, ordered engrossed.

The Committee on Ways and Means reported back Council substitute for H. J. R. No. 3, with recommendation that the same do pass.

Report and substitute adopted. Resolution read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Watson, Word, and Mr. President — 10.

Nays — None.

Absent on leave, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

On motion of Mr. Edwards, Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Communication from the House through Mr. Rockfellow, Chief Clerk, announcing the following bills have passed the House: —

H. B. No. 3, and C. B. No. 6, and H. B. No. 23, H. B. No. 20, and H. B. No. 24.

The following bills have been introduced in the House: —

By Mr. Hickman — H. B. No. 25, "An Act to repeal an act entitled 'An Act to incorporate the Madison River Ditch Company.'"

Also, H. B. No. 26, "An Act to amend an act entitled 'An Act relating to counties and county officers.'"

Notice of the introduction of bills in the House:—

By Mr. Smith—"To authorize county commissioners to open streets and alleys."

By Mr. Pounds—"To amend Section 12 of an act relating to elections."

"That the House refuses to concur in the Council amendment to H. B. No. 4, and respectfully ask you to recede from the same."

"That the House has concurred in the Council substitute for H. J. R. No. 3."

"That H. B. No. 2, with Council substitute therefor, be returned to the Council for proper endorsements."

Mr. Higley, from select committee to whom was referred C. B. No. 4, made the following report:—

MR. PRESIDENT:—Your committee to whom was referred C. B. No. 4, beg leave to report that they have said bill under consideration, and find that such a bill was passed last winter and submitted to the people at the last general election, and at said election three places were voted for; and, that in consequence thereof, said county seat was not moved. On viewing the election returns of said county, now in the Secretary's office, we find that a majority of the people of Jefferson county, to the number of one hundred, have expressed their dissatisfaction, through the ballot-box, for its present location, and desire to be allowed the privilege of voting again.

Furthermore, that we do believe that it is one of the fundamental principles of our government, that the majority of the people, on all such questions, should be consulted and allowed; and, as the bill asks only to submit the question again to the people at the next general election, thereby causing no expense

to the county, we deem it no more than is justly due them, and is carrying out the principles of democracy.

We would, therefore, report the bill back to the Council, with the recommendation that it do pass, believing that, by so doing, we will grant the wishes of a large majority of the people of Jefferson county.

Respectfully,

C. W. HIGLEY, *Chairman.*

JOHN JONES.

Mr. George presented the following minority report from the same committee: —

MR. PRESIDENT: — A minority of your Select Committee, to whom was referred C. B. No. 4, would most respectfully request that the same do not pass, for the following reasons: —

That the county seat of Jefferson county has been voted upon three times and once located by the Legislature, and whenever the question of removing the county seat for the last two years has been submitted to the people, they have voted in favor of Radersburg.

A minority of your committee are aware that the public mind undergoes changes, and that what was proper yesterday may be impracticable to-day. Three years ago Radersburg was not known — to-day she is the living, throbbing heart of the county, being situated on the main public road leading from Bozeman *via* Helena to Fort Benton. If not the geographical center, she is what is more important, the great center to which every interest of the county gravitates as naturally as the lesser lights to the great orb of day.

The commissioners of Jefferson county have purchased, at great expense, a large and commodious building for a court house, with the various county offices elegantly furnished.

A. G. P. GEORGE,

Minority of Select Committee.

On motion of Mr. Higley, the majority report was adopted by the following vote, the ayes and nays having been called for: —

Ayes — Messrs. Barnes, English, Higley, Jones, Word, Watson — 6.

Nays — Messrs. Daems, Edwards, George, and Mr. President — 4.

Absent on leave, Mr. Mitchell.

Absent, Messrs. Brown and Woody.

Mr. Word introduced C. B. No. 20, entitled "An Act to regulate the fees of justices of the peace in Montana territory." Read first and second times, and referred to Committee on Ways and Means.

On motion of Mr. Mitchell, the vote which substituted Council substitute for H. B. No. 2, was reconsidered.

On motion of Mr. English, the vote to indefinitely postpone H. B. No. 2, was reconsidered.

On motion of Mr. Edwards, H. B. No. 3 was sent back to the House to have the title perfected.

C. B. No. 11 was taken up, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Watson, and Mr. President — 9.

Nays — Messrs. Mitchell and Word — 2.

Absent, Messrs. Brown and Woody — 2.

On motion of Mr. English, the vote by which the bill passed was reconsidered, and on further motion of Mr. English, the bill was re-referred to the Select Committee with instructions to incorporate amendments.

C. B. No. 4 taken up, and Mr. Higley moved a suspension of the rules to place the bill on its final passage. The ayes and nays were called for, and the motion was lost by the following vote: —

Ayes — Messrs. English and Higley — 2.

Nays — Messrs. Barnes, Daems, Edwards, George, Jones, Word, Watson, and Mr. President — 8.

Mr. Mitchell excused from voting — 1.

Absent, Messrs. Brown and Woody — 2.

On motion of Mr. Mitchell, H. B. No. 2 was referred back to the Engrossing Committee for endorsements.

Mr. Mitchell, from Committee on Towns and Counties, made the following report:—

MR. PRESIDENT:— Your committee, to whom was referred C. B. No. 15, having had the same under consideration, beg leave to report the same back to the Council, and recommend its passage.

A. H. MITCHELL, *Chairman*.

Mr. Mitchell introduced C. B. No. 21, “An Act to dissolve the bonds of matrimony between Olive Boody and G. W. Boody.” Read first and second times, and referred to a Select Committee consisting of Messrs. Mitchell, Jones, and Daems.

H. B. No. 4 taken up, and on motion of Mr. Mitchell, the Council receded from its amendments thereto.

H. C. R. No. 1 taken up, and on motion of Mr. George, ordered back to the House for correction.

On motion of Mr. Barnes, the Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Committee on Engrossment, through Mr. Barnes, reported C. B.'s Nos. 14 and 17, amendments to H. B. No. 1, correctly engrossed.

The Select Committee, to whom was referred C. B. No. 11, reported same back with amendments incorporated.

Report adopted. Bill then read a third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, George, Higley, Jones, Watson — 7.

Nays—Messrs. English, Mitchell, Word, and Mr. President — 4.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

Mr. Mitchell, from the Special Committee to whom was referred C. B. No. 21, made the following report :—

MR. PRESIDENT :— Your Special Committee, to whom was referred C. B. No. 21, having had the same under consideration, beg leave to report the same back, and recommend its passage.

A. H. MITCHELL, *Chairman*.

Bill then referred to Engrossing Committee.

H. B. No. 20 taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 23 taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 24 taken up, read first and second times, and referred to Committee on Agriculture and Manufactures.

C. B. No. 13 taken up, read third time, and passed by the following vote :—

Ayes—Messrs. Barnes, Daems, Edwards, Higley, Jones, Watson, and Mr. President — 7.

Nays—Messrs. English, George, Mitchell, and Word — 4.

Absent, Messrs. Brown and Woody.

C. B. No. 14 was taken up, read third time, and lost by the following vote :—

Ayes—Messrs. English and Word — 2.

Nays—Messrs. Barnes, Daems, Edwards, George, Higley, Jones, Mitchell, Watson, and Mr. President — 9

Absent, Messrs. Brown and Woody.

On motion of Mr. Mitchell, the Council adjourned.

FIFTEENTH DAY.

DECEMBER 20, 1869.

Council met. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of Saturday read and approved.

On motion of Mr. Jones, the vote to return H. C. R. No. 1 to the House, was reconsidered, and upon motion of Mr. Watson, the resolution was laid on the table.

Mr. George made the following report from the Committee on Enrollment :—

MR. PRESIDENT :— Your Committee on Enrollment to whom was referred C. B. No. 6, “An Act declaring Sarah Francis Gorham of lawful age,” find the same correctly enrolled.

A. G. P. GEORGE, *Chairman*.

The Engrossing Committee reported C. B.’s Nos. 4, 15, and 21 correctly engrossed. Report adopted.

The Committee on Ways and Means made the following report :—

MR. PRESIDENT :— Your Committee on Ways and Means, to whom was referred C. B. No. 20, have had the same under consideration, beg leave to report the same back and recommend its passage ; and also recommend that H. B. No. 6 be referred to the Committee of the Whole.

H. W. ENGLISH, *Chairman*.

Report adopted.

Mr. George, chairman of Select Committee, to whom was referred the duty of preparing a license law, reported :—

That they had with great care prepared a license law, and would most earnestly recommend the passage of the bill herewith presented (C. B. No. 23).

A. G. P. GEORGE, *Chairman*.

Report was, on motion of Mr. Higley, received and adopted.

On motion of Mr. Watson, the reading of the bill was deferred and the rules suspended, and it was referred to the Committee of the Whole.

Mr. Mitchell gave notice that he would, on to-morrow or some subsequent day, introduce "A Bill to authorize the Territorial Auditor to issue a warrant in lieu of a certain warrant."

Mr. Dance introduced C. B. No. 22, "An Act defining the duties of county commissioners."

Read first and second times, and referred to the Judiciary Committee.

C. B. No. 6 was taken up and referred to Committee on Engrossment.

C. B. No. 17 was taken up, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody.

H. B. No. 1 taken up, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Watson, and Mr. President — 10.

Nays — Mr. Word.

Absent Messrs. Brown and Woody.

A communication from the House through Mr. Rockfellow, announcing that C. B. No. 7, and H. B. No. 13, have passed the House.

Also, that Mr. Collins has given notice of "A Bill relating to the discovery and possessory right of all placer mines."

C. B. No. 7 was taken up and ordered to be enrolled.

A communication from the Governor was received, and on motion of Mr. English, the Council went into Executive Session.

Council resumed. Mr. President in the chair.

On motion of Mr. George, Council took a recess until 2 o'clock.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

C. B. No. 4 taken up, read a third time, and lost by the following vote:—

Ayes — Messrs. Barnes, English, and Mitchell — 3.

Nays — Messrs. Daems, Edwards, George, Higley, Jones, Word, Watson, and Mr. President — 8.

Absent, Messrs. Brown and Woody.

Mr. Higley gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 4 was lost.

A communication from the Governor received.

On motion of Mr. Word, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

C. B. No. 15 taken up, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Watson, Word, and Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

C. B. No. 21, taken up, read third time and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, George, Higley, Mitchell, and Mr. President — 6.

Nays — Messrs. Edwards, English, Jones, Word, and Watson — 5.

Absent, Messrs. Brown and Woody — 2.

Barnes, from Committee on Engrossment, reported amendments to H. B. No. 2, correctly engrossed.

Committee on Enrollment, through Mr. George, chairman reported C. B. No. 6 correctly enrolled, and that they had presented the same to His Excellency, the Governor, for his approval at four o'clock P. M. this 20th day of December, A. D. 1869.

On motion of Mr. Jones, the Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

A communication from the Governor was received.

On motion of Mr. Edwards, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the Chair.

Committee on Printing reported : —

MR. PRESIDENT:—Your Committee on Printing, to whom was referred C. B. No. 12, beg leave to report the same back to the Council, and recommend that it is of much importance the same be acted upon as soon as possible.

SAM. WORD.

On motion of Mr. Watson, report was accepted and adopted, and the bill referred to the committee of the whole.

The Council then went into Committee of the Whole on C. B. No. 12. Mr. Mitchell in the chair.

Council resumed. Mr. President in the chair.

The Committee on Printing reported : —

MR. PRESIDENT:—Your Committee on Printing to whom was referred C. B. No. 9, beg leave to report the same back correctly printed.

SAM'L WORD, *Chairman.*

The Judiciary Committee reported :—

MR. PRESIDENT:—Your committee to whom was referred C. B. No. 19, report the same back, and recommend its passage with the following amendments: after the word “suit” in the fourth line of section (1) one, of said act, strike out the words “or attachment” and insert the words “by attachment or otherwise, on behalf and in the name of the territory of Montana, after the word “suit” in the eighth line of section (1) one, strike out the words “or attachment.”

SAM'L WORD, *Chairman*.

Also, C. B. No. 22, with the following amendments.

Insert after the “license” at the end of section one (1), the following: “Provided that the Clerk of the county commissioners shall keep a true and perfect record of the same, preserving the old warrants and properly numbering the new warrants, of which a correct record shall be kept.”

WORD, *Chairman*.

Also, H. B. No. 23, with the recommendation that the same do pass.

WORD, *Chairman*.

The Committee on Agriculture and Manufactures, reported :—

MR. PRESIDENT:—Your committee to whom was referred H. B. No. 24, beg leave to report the same back with the recommendation that section (1) one of said bill be stricken out, and the accompanying substitute be adopted in lieu thereof, and that the title be amended.

WATSON, *Chairman*.

Report adopted and bill ordered engrossed.

The chairman of the Committee of the Whole reported :—

MR. PRESIDENT:—The Committee of the Whole Council to whom was referred C. B. No. 12, having had the same under consideration, beg leave to report it back to the Council, and recommend its passage.

A. H. MITCHELL, *Chairman*.

The report was adopted and the bill ordered engrossed.

On motion of Watson, the Council went into Committee of the Whole to consider C. B. No. 23, and H. B. No. 6. Mr. Jones in the chair.

Council resumed. Mr. President in the chair.

On motion of Mr. George, Council adjourned.

SIXTEENTH DAY.

DECEMBER 21, 1869.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and adopted.

Committee on Engrossment reported.

MR. PRESIDENT:— Your Committee on Engrossment, to whom was referred C. B. No. 20, report the same correctly engrossed.

J. P. BARNES, *Chairman*.

The chairman of the Committee of the Whole reported: —

MR. PRESIDENT:— Your Committee of the Whole, to whom was referred C. B. No. 23, beg leave to report that they, having had the same under consideration, would report progress, and ask leave to sit again.

JOHN JONES, *Chairman*.

H. B. No. 13 was taken up, read first and second times, and referred to Committee on Mines and Minerals.

The Judiciary Committee reported: —

MR. PRESIDENT:— Your Committee on Judiciary, to whom was referred H. B. No. 20, beg leave to report the same back with the recommendation that it do pass without amendment.

WORD, *Chairman*.

C. B. No. 20 was taken up, read third time, and passed by the following vote : —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 10.

Nays — Mr. Barnes — 1.

Absent, Messrs. Brown and Woody — 2.

H. B. No. 20 was taken up, read third time, and passed by the following vote : —

Ayes — Messrs. Barnes, Daems, English, George, Higley, Jones, Watson — 7.

Nays — Messrs. Edwards, Word, and Mr. President — 3.

Absent, Messrs. Brown and Woody — 2.

Not voting, Mr. Mitchell — 1.

The Committee of the Whole reported : —

MR. PRESIDENT : — The Committee of the Whole, to whom was referred H. B. No. 6, beg leave to report the same back to the Council, with the recommendation that all after the enacting clause be stricken out.

JOHN JONES, *Chairman*.

On motion of Mr. Mitchell, the Council went into Committee of the Whole to consider C. B. 23.

A communication from the Governor was received.

On motion of Mr. English, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

On motion of Mr. Watson, the Council went into Committee of the Whole to consider C. B. No. 23.

A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing the following bills have been introduced in the House : —

By Mr. Forbis — H. B. No. 28, "An Act concerning nuisances."

By Mr. Collins — H. B. No. 29, "An Act to repeal an act entitled 'An Act relating to the discovery and possessory right of all placer mines.'"

That the following bills have passed the House:—

H. B. No. 18, and H. B. No. 25.

That the House respectfully requests the Council to recede from its amendment to H. B. No. 1.

That the House returns H. B. No. 3 to the Council, and request your honorable body to make such change in the title thereof as you may desire.

The chairman of the Committee of the Whole reported back C. B. No. 23 to the Council, and recommended its passage.

Mr. Mitchell introduced C. B. No. 24, "An Act to provide for the custody, maintenance, and treatment of the insane of Montana territory."

Rules suspended. Reading thereof dispensed with, and the bill ordered printed.

On motion of Mr. English, the Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

The Committee on Engrossment reported:—

MR. PRESIDENT:—Your Committee on Engrossment, to whom was referred H. B.s Nos. 6 and 24, beg leave to report the same back to the Council, with the amendments thereto correctly engrossed.

JOHN P. BARNES, *Chairman.*

The Judiciary Committee reported:—

MR. PRESIDENT:—Your committee to whom was referred C.

B. No. 9, beg leave to report the same back to the Council, with the recommendation that the same do pass without amendment.

WORD, *Chairman*.

The Committee on Enrollment reported:—

MR. PRESIDENT:—Your Committee on Enrollment, to whom was referred C. B. No. 7, beg leave to report that the same has been correctly enrolled, and that they presented the same to His Excellency the Governor for his approval at 12 o'clock M. this 21st day of December, A. D. 1869.

A. G. P. GEORGE, *Chairman*.

The Committee of the Whole, through their chairman, reported:—

MR. PRESIDENT:—Your Committee of the Whole, to whom was referred C. B. No. 23, beg leave to report the same back to the Council, and recommend its passage with amendments herewith attached.

JOHN JONES, *Chairman*.

Adopted.

Mr. English, by consent, without previous notice, introduced C. B. No. 25, entitled "An Act defining the duties of the Governor of Montana territory."

Read first and second times, and referred to the Judiciary Committee.

H. B. No. 18 read first and second times, and referred to Committee on Internal Improvements.

A communication from the Governor was received.

On motion of Mr. English, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

The Judiciary Committee reported:—

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred H. B. No. 6, beg leave to report the same back with amendments, and recommend its passage as amended.

WORD, *Chairman*.

Report adopted, and bill, as amended, referred to Committee of the Whole, at 7 o'clock P. M.

On motion of Mr. Higley, vote by which C. B. No. 4 was lost was reconsidered, Mr. George's motion to lay said motion on the table having been lost by the following vote:—

Ayes—Messrs. Daems and George—2.

Nays—Messrs. Barnes, Edwards, English, Higley, Jones, Watson, Word, and Mr. President—8.

Absent, Messrs. Brown and Woody—2.

Not voting, Mr. Mitchell—1.

On motion of Mr. Higley, the vote by which C. B. No. 4 was passed to a third reading was reconsidered, and the bill was referred to a Select Committee, consisting of Messrs. Higley, Jones, and George.

C. B. No. 9, was taken up, and, on motion of Mr. English, amended and ordered engrossed.

On motion of Mr. Mitchell, the vote on special order of business for 7 o'clock P. M. was reconsidered.

A communication from the Governor was received.

On motion of Mr. English, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing the following bills have passed the House:—

H. B. No. 17, H. B. No. 19, H. B. No. 21, H. B. No. 26, H. B. No. 28, and H. B. No. 29.

The following notice of bill had been given in the House:—

By Mr. Barrett—"For the relief of the estate of John S. Rockfellow."

The following bills have been introduced in the House:—

By Mr. Forbis—H. B. No. 30, "An Act to prohibit reckless riding or driving through towns."

By Mr. Barret — H. B. No. 31, “An Act to repeal an act entitled ‘An Act for the better observance of the Lord’s day, approved December 10, 1867.’”

SEVENTEENTH DAY.

DECEMBER 22, 1869.

Council met. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

Committee on Ways and Means reported:—

MR. PRESIDENT:—Your committee to whom was referred C. B. No. 16, and C. B. No. 18, would recommend that both bills be referred to the Committee of the Whole; and would further report back to the Council C. B. No. 8, with the amendments herewith attached, and recommend its passage as amended.

ENGLISH, *Chairman.*

Referred to Committee of the Whole.

The Committee on Education reported:—

MR. PRESIDENT:—Your committee to whom was referred H. B. No. 11 beg leave to report the same back to the Council, and recommend that it be indefinitely postponed for the following reasons:—

That it is striking at the foundations of our not yet perfected school system of education, and when that is done, civil and religious liberty are in danger.

ENGLISH,

Chairman.

Report adopted, and bill indefinitely postponed.

Committee on Engrossment reported:—

MR. PRESIDENT:—Your Committee on Engrossment to whom

was referred C. B.s Nos. 9, 12, 19, and 22, beg leave to report the same back to the Council correctly engrossed.

BARNES,
Chairman.

Report accepted.

The Committee on Mines and Minerals reported:—

MR. PRESIDENT:—Your committee to whom was referred H. B. No. 13, beg leave to report that they have had the same under consideration, and report the same back with the recommendation that it do pass without amendment.

BARNES, *Chairman.*

On motion of Mr. Watson, the report was laid on the table, and the bill referred to Committee of the Whole.

The Special Committee, to whom was referred C. B. No. 4, reported:—

MR. PRESIDENT:—Your Special Committee, to whom was referred C. B. No. 4, respectfully report said bill back with amendment, and recommend its passage as amended.

HIGLEY, *Chairman.*

The report was accepted, adopted, and bill ordered engrossed.

A communication from the Governor was received:—

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, December 22, 1869. }

Gentlemen of the Legislative Council:—

I herewith return C. B. No. 2 without my approval.

It is objectionable in that it makes annual elections necessary, which are expensive, and were not contemplated by the amendment to our Organic Act.

It also provides an apportionment which continues the unjust disfranchisement of a large minority of the electors in the territory, and clothes an elector in one district with greater political power than in another.

JAMES M. ASHLEY.

A communication from the Governor was received:—

EXECUTIVE OFFICE, MONTANA TERRITORY, }
 VIRGINIA CITY, December 22, 1869. }

Gentlemen :—

I have approved C. B. No. 3, entitled “ An Act to amend an act to prevent officers from dealing in certain securities, approved February 2, 1865.” Also,

C. B. No. 1, entitled “ An Act to repeal an act entitled ‘ An Act for the collection of Revenue, approved Dec. 23, 1867.’ ”

JAMES M. ASHLEY.

On motion of Mr. Watson, the vote by which C. B. No. 2 was passed was reconsidered, and on further motion of Mr. Watson, it was

Resolved, That C. B. No. 2 now pass, notwithstanding the objections of the Governor.

Adopted by the following vote :—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

The President then declared the bill had passed, notwithstanding the objections of the Governor, it having received a unanimous vote.

A further communication from the Governor was received.

On motion of Mr. Edwards, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

On motion of Mr. Jones, the Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called —Messrs. Brown and Woody absent.

H. B. No. 25 taken up, read first and second times.

Rules suspended, read third time, and passed by the following vote :—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President — 10.

Nays — none.

Excused, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

H. B. No. 17, taken up, read first and second times.

Rules suspended, read third time, and passed by the following vote :—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President — 10.

Nays — none.

Excused, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

H. B. No. 19 taken up, read first and second times. Rules suspended, and read third time.

It was then moved to reconsider the vote by which the rules were suspended and motion prevailed.

On motion of Mr. Jones, the bill was amended by striking out all after the enacting clause down to the word "quails," and the bill, as amended, referred to a Select Committee, consisting of Messrs. Jones, Daems, and Watson.

Mr. Watson gave notice of "Bill to lay out a territorial road from the territorial line, at the head of Medicine Lodge Pass in Beaver Head county, to the City of Helena."

A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing : —

The following bills have been introduced in the House : —

By Mr. Pounds — H. B. No. 32, “relative to election.”

Mr. Forbis — H. B. No. 33, “relative to the common school system of the territory.”

By Mr. Wann — H. B. No. 34, “relative to mines and minerals.”

Mr. Barrett — H. B. No. 35, “relative to fees of officers, jurors, and witnesses.”

Mr. Lamme — H. B. No. 36, “relative to counties and county officers.”

Mr. Barrett — H. B. No. 37, “relative to issuing bonds.”

Mr. Wann — H. B. No. 38, “relative to schools.”

That the following bills have passed the House : —

C. B. No. 17, C. B. No. 20, Council substitute to H. B. No. 2, C. B. No. 13, with amendments, and C. B. No. 2 by a two-third vote, notwithstanding the Governor's objections.

The Committee on Internal Improvements reported : —

MR. PRESIDENT : — Your committee, to whom was referred H. B. No. 18, beg leave to report the same back and recommend its passage.

EDWARDS, *Chairman.*

Report adopted, rules suspended, bill read third time, and, on motion of Edwards, the vote by which rules were suspended was reconsidered, and the bill referred to Committee of the Whole.

A communication from the Governor was received.

On motion of Mr. Word, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

Mr. Mitchell, from Committee on Printing, reported C. B. No. 24, correctly printed.

The bill was then taken up, read first and second times, and referred to a Select Committee, consisting of the chairmen of the

Committee of Judiciary, Ways and Means, and Internal Improvements, of both Houses.

H. B. No. 21 taken up, read first time, and objection being made to a second reading, the bill was rejected by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Word, Watson, and Mr. President — 9.

Nays — Mr. George — 1.

Excused, Mr. Mitcheli — 1.

Absent, Messrs. Brown and Woody — 2.

H. B. No. 26 taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 28 taken up, read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 29 taken up, read first and second times, and referred to Committee on Mines and Minerals.

H. B. No. 3 taken up, and referred to Judiciary Committee.

H. B. No. 6 taken up, and indefinitely postponed.

H. B. No. 24 taken up, read a third time, and passed, as amended, by the following vote:—

Ayes — Messrs. Barnes, Daems, George, Higley, Jones, Word, Watson, and Mr. President — 8.

Nays — Messrs. Edwards and English — 2.

Excused, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

H. B. No. 23, taken up, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Edwards, George, Higley, Jones, Word, and Mr. President — 7.

Nays — Messrs. Daems, English, and Watson — 3.

Excused, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

The Judiciary Committee reported back H. B. No. 3, with

amendment. Report accepted and amendment adopted, and amendments ordered engrossed.

Council, on motion, took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown, and Woody, and Mr. Mitchell on leave.

C. B. No. 9 was taken up, rules suspended, read by its title, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Watson, and Mr. President — 9.

Nays — none.

Absent, Messrs. Brown Woody, and Word — 3.

Excused, Mr. Mitchell — 1.

Title agreed to.

C. B. No. 19 taken up, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, English, George, Higley, Jones, Watson, and Mr. President — 8.

Nays — Mr. Edwards — 1.

Absent, Messrs. Brown, Woody, and Word — 3.

Excused, Mr. Mitchell — 1.

Title agreed to.

C. B. No. 22 taken up, read third time, rules suspended, referred to Committee of the Whole.

C. B. No. 23 taken up, and, on motion of Mr. Jones, amendments stricken out by the following vote: —

Ayes — Messrs. Edwards, George, Higley, Jones, Word, Watson, and Mr. President — 7.

Nays — Messrs. Barnes, Daems, and English — 3.

Absent, Messrs. Brown and Woody — 2.

Excused, Mr. Mitchell — 1.

Bill then ordered engrossed.

C. B. No. 4 taken up, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Watson — 7.

Nays — Messrs. George, Word, and Mr. President — 3.

Absent, Messrs. Brown and Woody — 2.

Excused, Mr. Mitchell — 1.

Title agreed to.

Committee on Engrossment reported back amendments to H. B. No. 3, correctly engrossed.

H. B. No. 3 taken up, read third time, and passed, as amended, by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President — 10.

Nays — None.

Absent, Messrs. Brown and Woody — 2.

Excused, Mr. Mitchell — 1.

Title, as amended, agreed to.

C. B. No. 12, "An Act to amend an act entitled 'An Act to regulate the proceedings in civil cases in the courts of justice of Montana,'" taken up, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President — 10.

Nays — None.

Excused, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

A communication from the Governor was received.

On motion of Mr. Jones, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

Mr. English introduced C. J. R. No. 1, read first and second times.

Rules suspended, considered engrossed, read third time, and passed by the following vote : —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Jones, Higley, Watson, and Mr. President — 9.

Nays — Mr. Word — 1.

Excused, Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody.

On motion of Mr. Jones, Council adjourned.

EIGHTEENTH DAY.

DECEMBER 23, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

The Judiciary Committee reported : —

MR. PRESIDENT : — Your committee to whom was referred C. B. No. 25, "An Act defining the duties of the Governor of Montana," beg leave to report the same back to the Council, with amendments, and recommend its passage.

WATSON, *Chairman*.

Rules suspended.

The bill was considered engrossed, read third time, and passed by the following vote : —

Ayes — Mesrs. Daems, Edwards, English, George, Higley Jones, Mitchell, Watson, and Mr. President — 9.

Nays — Mr. Word — 1.

Absent, Messrs. Barnes, Brown, and Woody — 3.

Title agreed to.

H. J. R. No. 1 was called up, rules suspended, resolution read third time.

Mr. Watson offered the following amendments:—

Strike out "Friday, 24th," and insert in lieu thereof "Wednesday 29th." Also, strike out the words "3 o'clock P. M."

Amendments lost by the following vote:—

Ayes — Messrs. Barnes, Jones, Mitchell, Word, Watson — 5.

Nays — Messrs. Daems, Edwards, English, George, Higley — 5.

Absent, Messrs. Brown and Woody — 2.

Mr. President excused — 1.

On motion of Mr. Watson, the resolution was laid on the table.

H. B. No. 1 taken up, and the Council recessed from its amendments thereto.

The Committee on Enrollment reported:—

MR. PRESIDENT:— Your Committee on Enrollment, to whom was referred C. B. No. 13, and C. B. No. 17, and Council substitute for H. B. No. 2, have examined the same, and find them all correctly enrolled.

A. G. P. GEORGE, *Chairman*.

On motion of Mr. Watson, the Council went into Committee of the Whole on general orders.

Council resumed. Mr. President in the chair.

A communication from the Governor was received.

On motion of Mr. Mitchell, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

On motion of Mr. Edwards, the Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

The Committee on Enrollment reported : —

MR. PRESIDENT : — Your Committee on Enrollment presented C. B. No. 17 to His Excellency the Governor, for his approval, at 12 o'clock M. this day ; also, Council substitute for H. B. No. 2, at the same time.

A. G. P. GEORGE, *Chairman.*

On motion of Mr. Watson, C. B. No. 13 was taken up, and House amendment thereto read.

Motion of Mr. Barnes, that the Council concur in the House amendment, lost by the following vote : —

Ayes — Messrs. Barnes, Daems, Edwards, George, Word — 5.

Nays — Messrs. English, Higley, Jones, Mitchell, Watson, and Mr. President — 6.

Absent, Messrs. Brown and Woody — 2.

On motion of Mr. Word, the House was respectfully requested to recede from their amendment.

A communication from the House, through Mr. Rockfellow, was received, announcing the following bills have passed : —

C. B. No. 11 with amendment ; C. B. No. 9, H. B. No. 36, C. J. R. No. 1, and H. J. R. No. 4, and that the House has concurred in Council amendments to H. B. No. 3.

That Mr. Wann has introduced H. B. No. 39, "An Act to amend an act amendatory of an act entitled 'An Act relating to counties and county officers, approved January 11, 1869.'"

And that H. B. No. 39 has passed the House.

Committee of the Whole reported : —

MR. PRESIDENT : — Your Committee of the Whole beg leave to report H. B. No. 13 back to the Council, with the recommendation that all after the enacting clause be stricken out ; C. B. No.

16 with recommendation that it be amended by striking out "25" in line (9) nine in section (1) one, and insert in lieu thereof.

S. DAEMS, *Chairman*.

Report adopted, and bills, as amended, ordered engrossed.

On motion of Mr. Watson the Council went into Committee of the Whole, to consider C. B. No. 8. Mr. Daems in the chair.

Council resumed. Mr. President in the chair.

A communication from the House was received through Mr. Rockfellow, Chief Clerk, announcing:—

The House has appointed Messrs. Hickman, Forbis, and Lamme, a committee to act with a like committee from the Council to ascertain and report whether or not an appropriation should be made for the purpose of securing to the territory the title to lands on which arsenals are located; and if so, how much should be appropriated for said purpose.

The House returns C. B. No. 21, and refuses to recede from their resolution.

The House also refuses to recede from its amendment to C. B. No. 13, and the House requests the Council to return C. J. R. No. 1, to the House.

Mr. Bailey has introduced H. B. No. 40, "An Act to amend an act entitled 'An Act concerning limitations, approved February 9, 1869,'" and that H. B. No. 40 has passed the House.

Mr. English introduced Council Bill No. 26, "An Act to regulate the fees of the clerks of the district courts in Montana territory," read first and second times and referred to Committee on Ways and Means.

Council Bill No. 13 was taken up, and, on motion of Mr. Watson, the Council concurred in the House amendment thereto by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, George, Higley, Mitchell, Werd, and Watson—8.

Nays—English, Jones, and Mr. President—3.

Absent, Messrs. Brown and Woody — 2.

Mr. Mitchell introduced C. B. No. 27, "An Act authorizing the Territorial Auditor to issue a *triplicate* territorial warrant in lieu of a territorial warrant No. 3, of 248, for \$390, to E. W. Haskell." Read first and second times, and referred to Judiciary Committee.

On motion of Mr. Word, Council adjourned till 10 o'clock A. M. to-morrow.

NINETEENTH DAY.

DECEMBER, 24, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

The Committee on Engrossment reported back C. B. No. 23, "An Act concerning licenses," correctly engrossed.

The Committee on Enrollment reported C. B. No. 25, and C. J. R. No. 1, correctly enrolled.

The Committee on Judiciary reported:—

MR. PRESIDENT:—Your committee to whom was referred C. B. No. 27, "An Act authorizing the Territorial Auditor to issue a territorial warrant in lieu of territorial warrant No. 3, of 248, for \$390, to E. H. Haskell," and recommend its passage.

GEORGE.

The Committee of the Whole reported:—

MR. PRESIDENT:—The Committee of the Whole, to whom was referred C. B. No. 8, beg leave to report the same back to the Council, with the recommendation that the bill passes with the following amendments:—

That the act approved January 15, 1869, entitled "An Act to amend sec. one (1) of an act entitled 'An Act to amend an act

to provide increased compensation to the officers of the territory, approved December 6, 1867," and all other acts which give extra compensation to the Governor of Montana, be and the same are hereby repealed. In sec. (4) four, line (2) two, after the word "member," add the words "and attaches," and in line (6) six, strike out "twelve and a half," and insert "twenty (20)." Also, strike out all of sec. (5) five.

L. DAEMS, *Chairman.*

The select committee to whom was referred C. B. No. 24, "An Act to provide for the custody, maintenance, and treatment of the insane of Montana territory," have had the same under consideration, and beg leave to report the same back, and recommend its passage.

COUNCIL, { ENGLISH, *Chairman Com. Ways and Means.*
WORD, *Chairman Judiciary Committee.*
A. H. MITCHELL, *Chairman Com. Int. Improv'ts.*

HOUSE, { BAILEY, *Chairman Com. Ways and Means.*
LAMME, *Chairman Judiciary Committee.*
SCOTT, *Chairman Com. Internal Improvements.*

Mr. Word, by consent, without previous notice, introduced C. B. No. 28, "An Act to repeal an act giving extra or increased compensation to the Governor of Montana territory." Read first and second times, rules suspended, considered engrossed, read third time by its title, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President—11.

Nays—none.

Absent, Brown and Woody—2

Title agreed to.

Mr. Ward, by consent, without previous notice, introduced C. B. No. 29, "An Act to repeal an act giving extra or increased compensation to members and attaches of the Legislative Assembly of Montana territory." Read first and second times, rules suspended, considered engrossed, read third time by its title, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

Mr. English, by consent, without previous notice, introduced C. B. No. 30, "An Act to incorporate the city of Helena."

Rules suspended. Read twice by its title, and referred to a Select Committee, consisting of the members from Lewis and Clarke county.

Mr. Edwards introduced C. B. No. 31, "An Act to amend an act entitled 'An Act relative to the pre-emption of town sites upon public lands, and the disposal of tracts created thereby, approved December 12, 1867.'"

Read first and second times, and referred to Committee on Towns and Counties.

Mr. Watson introduced C. B. No. 32, "An Act to provide for the laying out and establishing of a territorial wagon road, from Medicine Lodge Pass in Beaver Head county, to the city of Helena, in Lewis and Clarke County."

Read first and second times, and referred to Committee on Internal Improvements.

By order of the President of the Council, the Chief Clerk deposited C. B. No. 2 in the office of the Secretary of the territory, at 2 $\frac{1}{4}$ o'clock P. M. Dec. 24, 1869.

Mr. Barnes, by consent, without previous notice, introduced C. B. No. 33, "An Act to repeal an act to amend an act entitled 'An Act to provide increased compensation to the officers in this territory, approved Jan. 15, 1869.'"

Read first and second times, and referred to Committee on Ways and Means.

On motion of Mr. Jones, the Committee on Engrossment were directed to return C. B. No. 8 to the Council without action thereon.

The bill was then laid on the table.

H. C. R. No. 1 was called up, and, on motion of Jones, was amended by striking out the words "Friday, 24th," and insert "Friday, 31st," in lieu thereof, and also to strike out the words "at the hour of 3 P. M."

Resolution, as amended, was passed.

H. J. R. No. 4 taken up, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 36 taken up, read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 37 taken up, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 39 taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 40 taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 13 taken up, and vote by which the report of committee thereon was adopted, was reconsidered; and on motion of Mr. Word, was referred to a Select Committee, consisting of Barnes, English, and George.

The Select Committee, to whom was referred H. B. No. 19, would report the same back to the Council, and recommend the bill be amended as by striking out the words "antelope, deer, elk, mountain sheep, moose, and fool-hens;" and that the bill, as amended, do pass.

JONES, *Chairman*.

L. DAEMS.

Report adopted. Amendments adopted, and ordered engrossed.

Mr. George gave notice that he would introduce "A Bill concerning lost goods and estrays."

C. B. No. 3 called up, read third time, and passed by the following vote : —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody. — 2.

Title agreed to.

On motion of Mr. Mitchell, Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

The Council then went into a Committee of the Whole on general orders. Mr. Higley in the chair.

The following communication from the House, through Mr. Rockfellow, was received, announcing:—

That Mr. Boyce has given notice of "A Bill to repeal and amend certain acts or parts of acts granting extra compensation to certain officers."

That H. B. No. 37 has passed the House.

Council resumed. Mr. President in the chair.

Judiciary Committee reported:—

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred H. B. No. 26, beg leave to report the same back to the Council with the recommendation that it do pass with the amendments attached.

WORD, *Chairman*.

Reports and amendments adopted, and amendments ordered engrossed.

On motion of Mr. English, it was voted that when the Council do adjourn, it be until 10 o'clock A. M. on Monday, the 27th inst.

On motion of Mr. George, the Council Chamber was tendered to Rev. George Comfort, for Christmas day.

On motion of Mr. Mitchell, the Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Mr. Word, by consent, without previous notice, introduced C. B. No. 34, "An Act defining the duties of the Territorial Auditor in relation to public printing." Read first and second times, and referred to Committee on Ways and Means.

Committee on Engrossment reported amendments to H. B. No. 19 correctly engrossed.

Judiciary Committee reported: —

MR. PRESIDENT:—Your committee, to whom was referred H. B. No. 39, beg leave to report the same back to the Council, with the amendments herewith attached, and recommend its passage, as amended.

WATSON.

On motion of Mr. Watson, the rules were suspended, the amendments considered engrossed, bill, as amended, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Watson, and Mr. President — 10.

Nays — Mr. Word — 1.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

The Committee on Towns and Counties reported: —

MR. PRESIDENT:—Your committee, to whom was referred H. B. No. 28, beg leave to report the same back to the Council, and recommend its passage.

MITCHELL, *Chairman*.

Committee of the Whole reported: —

MR. PRESIDENT: — The Committee of the Whole, to whom was referred C. B. No. 22, have had the same under consideration, and recommend that it be referred to a special committee.

SAM. WORD, *Chairman*.

That House Bill No. 18 do pass.

That H. B. No. 16 be amended as herewith attached, and pass, as amended.

That C. B. No. 18, with the amendments annexed, be referred to a special committee.

HIGLEY, *Chairman*.

Report adopted, and C. B. No. 18 referred to a special committee, consisting of Word, Jones, and Edwards.

C. B. No. 22 referred to a special committee, consisting of Mitchell, Watson, and Daems.

H. B. No. 18 taken up, rules suspended, read third time by its title, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

C. B. No. 27 taken up, rules suspended, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

H. B. No. 16 taken up, and amendments ordered engrossed.

Committee on Ways and Means reported: —

MR. PRESIDENT: — Your committee, to whom was referred C. B. No. 34, recommend that the blank be filled with “four,” and, with this amendment, the bill do pass.

ENGLISH, *Chairman*.

On motion of Mr. George, the Council went into Executive Session to consider the communication from the Governor.

Council resumed. Mr. President in the chair.

Committee on Internal Improvements reported:—

MR. PRESIDENT:—Your committee, to whom was referred C. B. No. 32, beg leave to recommend the passage thereof.

MITCHELL, *Chairman*.

On motion of Mr. Mitchell, the Council adjourned.

TWENTY-SECOND DAY.

DECEMBER 27, 1869.

Council met. Mr. President in the chair.

Roll called — Messrs. Brown and Woody absent.

Journal of Friday read and approved.

On motion of Mr. Mitchell, that portion of House communication, including the notice of a certain bill, was ordered not to appear on the Council Journal.

Mr. English introduced a petition from members of the Helena bar, asking the Legislature not to repeal an act providing increased compensation to officers of this territory.

On motion of Mr. Mitchell, the petition was referred to Committee on Ways and Means.

On motion of Mr. Mitchell, the petition heretofore received from citizens of Deer Lodge was taken from the Select Committee and referred to the Judiciary Committee.

The minority of the Committee on Internal Improvements reported:—

MR. PRESIDENT:—Your minority of the Committee on Internal Improvements would respectfully report back C. B. No. 32, "An Act to provide for the laying out and establishing of a wagon road from Medicine Lodge Pass to the city of Helena," and recommend that it do not pass.

EDWARDS.

On motion of Watson, the report was laid on the table.

The Committee of Ways and Means reported:—

MR. PRESIDENT:—Your Committee on Ways and Means, to whom was referred C. B. No. 26, "An Act to regulate the fees of the clerks of district courts in Montana territory," have had the same under consideration, and would recommend its passage with amendment.

Also, H. B. No. 37, "An Act authorizing the Territorial Treasurer to issue bonds for the balance of funded indebtedness of the territory of Montana," and recommend its passage.

Also, C. B. No. 33, "An Act to repeal an act to amend an act to provide increased compensation to the officers of this territory, approved January 15th, 1869," and recommend its passage.

H. W. ENGLISH, *Chairman*.

The Committee on Enrollment reported the following:—

Amendments to H. B. No. 13; also, amendments to H. B. No. 16; also, C. B. No. 24, C. B. No. 27, C. B. No. 16, and C. B. No. 34, all correctly engrossed.

Report received.

The Special Committee, to whom was referred H. B. No. 13, reported:—

MR. PRESIDENT:—Your Special Committee, to whom was referred H. B. No. 13, have examined, and would report the same back, with the recommendation that it be referred to the Committee of the Whole for amendment.

WORD, *Chairman*.

Council Bill No. 11 was taken up, and, upon motion of Mr. Word, the Council refused to concur in the House amendment thereto.

On motion of Mr. Mitchell, C. B. No. 24 was taken up, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Watson, and Mr. President—10.

Nays—Mr. Word—1.

Absent, Messrs. Brown and Woody—2.

A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing the following bills have passed the House:—

C. B. No. 4; H. B. No. 30.

Also, C. B. No. 28 has been laid on the table, and C. B. No. 29 has been rejected.

H. B. No. 32 taken up, read first and second times, and referred to Committee on Elections.

H. B. No. 30 taken up, read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 13 taken up, read third time, amended, and amendment ordered engrossed.

H. B. No. 19 taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, English, Higley, Jones, Word, Watson, and Mr. President—8.

Nays—Messrs. Edwards and George—2.

Absent, Messrs. Brown and Woody—2.

Absent on leave, Mr. Mitchell—1.

Title agreed to.

H. B. No. 28 taken up, read third time, and lost by the following vote:—

Ayes — Messrs. Barnes, Higley, Jones, and Mr. President — 4.

Nays — Messrs. Daems, Edwards, English, George, Word, and Watson — 6.

Absent, Messrs. Brown and Woody, and Mitchell, on leave — 3.

H. B. No. 37 read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Edwards, English, George, Higley, Jones, Daems — 7.

Nays — Messrs. Word, Watson, and Mr. President — 3.

Absent, Messrs. Brown and Woody, and Mitchell, on leave — 3.

Title agreed to.

C. B. No. 13 taken up, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Word, Watson, and Mr. President — 9.

Nays — Mr. George — 1.

Absent, Messrs. Brown and Woody, and Mitchell, on leave — 3.

Title agreed to.

C. B. No. 34 read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, English, George, Higley, Word, Watson, and Mr. President — 8.

Nays — Mr. Edwards — 1.

Absent, Messrs. Brown and Woody, and Mitchell, on leave — 3.

Title agreed to.

Mr. Word, by consent, without previous notice, introduced C. B. No. 35, "An Act to repeal parts of an act to amend an act entitled 'An Act to regulate proceedings in civil cases in

the courts of justice, in Montana.'” Read first and second times, rule suspended, considered engrossed, read third time by its title, and passed by the following vote:—

Ayes—Daems, Edwards, George, Jones, Word, Watson, and Mr. President—7.

Nays—Messrs. Barnes, English, and Higley.

Absent, Messrs. Brown and Woody, and Mitchell on leave—3.

Title agreed to.

The Select Committee, to whom was referred C. B. No. 18, reported the same back to the Council, with amendments, and recommend its passage, as amended. WORD, *Chairman*.

On motion of Mr. George, Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

The Council resumed. Mr. President in the chair.

Roll called—absent, Messrs. Brown and Woody.

C. B. No. 32 was called up and the majority report thereon was adopted.

The Committee on Enrollment reported C. B. No. 9, C. B. No. 19, C. B. No. 12, and C. J. R. No. 1, all correctly enrolled.

GEORGE, *Chairman*.

The Committee on Elections reported:—

MR. PRESIDENT:—Your committee to whom was referred H. B. No. 32, would respectfully report the same back, amended by adding a new section as section 3—renumbering the section following.

C. W. HIGLEY.

On motion of Mr. Dance, C. B. No. 32 was made special order for 10 o'clock to-morrow.

The Engrossing Committee reported amendments to H. B. No. 26, C. B. No. 26, C. B. No. 33, all correctly engrossed.

Report accepted.

A communication from the House, through Mr. Rockfellow, Chief Clerk, was received, announcing that the following Bills have been introduced in the House:—

By Mr. Boyce—H. B. 41, “An Act to repeal and amend certain acts or parts of acts granting extra compensation to certain officers.”

By Mr. Boswell—H. J. R. No. 5, authorizing the Territorial Auditor to draw a warrant on the Territorial Treasurer in favor of Suhel and Mahon for fifty dollars, for fitting the Hall of the House of Representatives.

By Mr. Barrett—H. B. No. 42, “An Act in relation to the recorders of Madison and Beaver Head counties.

By Mr. Brown—H. B. No. 43, “An Act in relation to costs.”

Also, the following Bills have passed the House:—

H. B. No. 33, H. J. M. No. 5, and C. B. No. 15.

H. B. No. 16 taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word—8.

Nays—Watson and Mr. President—2.

Absent, Messrs. Brown and Woody, and Mitchell on leave—3.

The following communication from the Governor was received and read, and immediately spread on the Journal:—

EXECUTIVE OFFICE, VIRGINIA CITY, }
MONTANA TERRITORY, December 27, 1869. }

Gentlemen of the Legislative Council:—

I regret to be compelled to return for your reconsideration Council Bill No. 25, entitled “An Act *regulating the tenure of civil offices in Montana territory.*” Opposed as I am to the domination of executive authority in national, state, or territo-

rial governments, it would have given me pleasure to approve an act designed to secure a faithful public officer against removal, during his official term, without cause, and without hearing.

It will hardly be claimed that such was the purpose of this act.

Instead of making provisions to secure officers in their positions who have been legally appointed, it provides that officers who have been adjudged by the highest judicial authority in the territory to have been illegally elected or appointed, shall be continued in said offices during the pleasure of the Legislative Council; notwithstanding their official terms expired by limitation on the first Monday in August, A. D. 1869, by the express provisions of the act under which they were appointed.

To gentlemen at all familiar with legal jurisprudence, it will not be necessary to say, that this act violates both the letter and spirit of the Constitution of the United States, and the plainest provisions of our Organic Act. It is also a violation of the plainest principles of the common law, in that it is retroactive and *ex post facto* in its provisions.

The Chief Justice of the territory, after a full hearing in the case of Fisk *vs.* Rodgers, decided that the present incumbents held their offices *de facto* and not *de jure*; that, legally, there was a vacancy in the territorial offices, and that the Executive was authorized by the express provisions of the Organic Act to fill vacancies.

This act provides, that officers *de facto* shall be continued in office beyond the time in which the appointing power has the right to appoint legal officers. It provides, further, that officers who have been declared by the highest judicial authority in the territory legally entitled to their offices, shall not act, or enjoy the emoluments of their appointments, and that others who have been declared to be illegally appointed, shall discharge the duties of said offices and enjoy the emoluments thereof during the pleasure of the Legislative Council.

It requires a judge of the supreme court of the territory to disregard a decision which he has already made, and imposes duties upon him which belong only to the Executive.

The Organic Act provides for *legal* officers, and the present Executive has only exercised the power conferred by the plainest

provisions of law in the appointment of Messrs. Fisk and Frary. It was simply an exercise of authority required by Congress — a duty which his oath of office demanded, and which could not be avoided without a violation of the positive requirements of law. In this opinion he is sustained by the judgment of the chief justice, which happily relieves the question in dispute of all partizan controversy.

This act is also objectionable in that it makes no provisions for securing the people against the illegal or dishonest acts of territorial officials.

Information may be filed with the Executive that an official is misappropriating the public money, or doing other illegal and improper acts, to the great detriment of the public interests; and yet, under the provision of this act, he can neither suspend or remove such officer, nor can a successor be appointed during his official term, even with the advice and consent of the Legislative Council.

It is further objectionable, in that it entails a large and unnecessary expenditure of money upon the people of the territory for the expenses incident to the convening of the Legislative Council in Executive Session. If the experience of the Executive with the present Legislative Council, in his efforts to conciliate their favor and obtain their consent to filling the territorial offices, which have been judicially declared vacant, may be taken as a criterion of their future actions, the Legislative Council might reasonably be regarded as in perpetual session. Conceding, however, that ordinarily it would not require more than one week for the Council, after convening at the capital and organizing, to dispose of the nominations submitted for their approval or rejection, the mileage and per diem of the members, the pay of the attaches, and the expenses incident to room, lights, &c., would not be less than two thousand dollars, which the people of the territory would be required to pay for each Executive Session.

If the Territorial Superintendent of Public Instruction should remove from the territory as did the last one, the Executive would have no alternative but to convene the Legislative Council in Executive Session, in pursuance of the mandatory provis-

ions of section five, and thus inflict an unnecessary expense upon the people of fifteen hundred or two thousand dollars; and if the Council should refuse to confirm the nominations made by the Executive, and the session should continue longer than one week, the expenses would be correspondingly increased.

For these and other reasons which, on reflection, will suggest themselves to the honorable members of the Legislative Assembly, I have declined to approve this bill, and return it for your consideration.

JAMES M. ASHLEY.

On motion of Mr. Word, C. B. No. 25 was made the special order for 7 o'clock this P. M.

The Special Committee, to whom was referred C. B. No. 10, reported:—

MR. PRESIDENT:— Your Special Committee, to whom was referred C. B. No. 10, "An Act to authorize an Immigration Bureau for the territory of Montana," report that they have had the same under consideration and would offer the accompanying substitute therefor, and recommend its passage.

This is the most practicable movement which can be made toward turning the tide of immigration into a channel which will aid to build up the territory and ensure the systematic development of the country.

The western states now receive by far the greater part of the immigration from the southern states—a few only coming to this territory. The young men and the capitalists of the border and gulf states also find homes, business, and investments in other portions of the west.

Yet, there is no more inviting field for capitalists, enterprise, and immigration than Montana. Within the boundaries of the territory there is a diversity of surface, soil, and climate, which can be found in no other portion of the country. Nature has blessed the region, and endowed it with resources whose value cannot be estimated until they are made available by systematic and thorough development.

The earth hides immense fields of gold, silver, coal, copper, and marble; water power sufficient to turn thousands of wheels

goes unemployed down the river to the sea ; all the cereals flourish in abundance. Every advantage is here placed by nature at the hand of the producer, who can find the power for driving a mill directly in the heart of the great grain-growing valleys, or a ready market for his stock or his grain at an easy distance.

Properly tilled, the land will produce generously, and sustain an hundred-fold its present population.

Properly worked, the mines would yield such an invaluable store of mineral treasure as would make a national as well as local and individual profit.

Let Montana be peopled with workers to ten times its present number, and they will not only make fortunes and homes for themselves, but will create for the nation new riches and new resources.

To be weak is to be dependent, with individuals and nations. Immigration will give us strength, both of numbers and wealth. With strength will come political influence and respect from federal and state governments.

In the trying circumstances in which we are placed we should snatch every ray of consolation and apply every recourse of philosophy within our reach, and it may be safely predicted, that within two or three years a large immigration from the southern states will follow into Montana.

A. G. P. GEORGE, *Chairman of Select Com.*

Report and bill laid on the table for the present.

On motion of Mr. George, the Council went into Executive Session to consider the Governor's communication.

Council resumed. President in the chair.

Committee on Engrossment reported the amendment to H. B. No. 13 correctly engrossed.

Report adopted.

On motion of Mr. Word, Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody, and Mr. Mitchell on leave.

C. B. N. 25, "An Act regulating the tenure of civil officers in Montana territory," taken up and read. On motion of Mr. Watson, the vote by which it was passed was reconsidered, and on the question "Shall this bill pass, the objections of the Governor to the contrary, notwithstanding?" the bill was passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Watson, Mr. President — 9.

Nays — Mr. Word — 1.

Absent, Messrs. Brown and Woody — 2, and Mr. Mitchell on leave — 1.

The Committee on Enrollment reported:—

C. B. No. 4 correctly enrolled, and that they had presented C. B. No. 9, C. B. No. 12, C. B. No. 19, and C. J. R. No. 1 to the Governor for his approval at 4 o'clock P. M. this 27th day of December, A. D. 1869.

A. G. P. GEORGE, *Chairman*.

Report accepted.

The Committee on Towns and Counties reported the following, which was adopted:—

MR. PRESIDENT:—Your committee, to whom was referred H. B. No. 30, beg leave to report the same back to the Council, with the recommendation that it do not pass.

L. DAEMS.

On motion of Mr. Watson, the Council adjourned till 10 o'clock to-morrow morning.

TWENTY-THIRD DAY.

DECEMBER 28, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

The Judiciary Committee made the following report:—

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred H. B. No. 40, beg leave to report the same back to the Council, with a substitute in lieu thereof, and recommend the passage of the substitute.

WATSON.

The report and substitute adopted, and substitute referred to Committee of the Whole, at 2½ o'clock P. M.

Mr. George introduced C. J. R. No. 2, read first and second times, and referred to Committee on Ways and Means.

The Committee on Engrossment reported:—

MR. PRESIDENT:—Your Committee on Engrossment to whom was referred H. B. No. 2, "An Act relative to elections," reported the amendments thereto correctly engrossed. Also C. B. No. 31, "An Act relative to the pre-emption of town sites," correctly engrossed.

J. P. BARNES, *Chairman*.

H. J. R. No. 5 taken up, read first and second times, and referred to Committee on Ways and Means.

H. B. No. 33 was taken up, read first and second times, and referred to Committee on Education.

H. B. No. 13 was taken up, read third time, and passed by the following vote:—

Ayes — Barnes, English, George, Higley, Jones, and Mitchell — 6.

Nays — Daems, Edwards, Word, Watson, and Mr. President — 5.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

Mr. English gave notice that he would, on to-morrow, move to reconsider the vote by which H. B. No. 13 passed.

H. B. No. 26 was taken up, read third time, and passed by the following vote: —

Title agreed to.

Ayes — Messrs. Barnes, Daems, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 10.

Nays — Mr. Edwards — 1.

Absent, Messrs. Brown and Woody — 2.

H. B. No. 30 taken up, read third time, and lost by the following vote: —

Ayes — Messrs. Barnes, Edwards, Higley, Jones, and Mr. President — 5.

Nays — Messrs. Daems, English, George, Mitchell, Word, and Watson — 6.

Absent, Messrs. Brown and Woody — 2.

C. B. No. 32, "An Act to provide for the laying out and establishing of a territorial road from Medicine Lodge Pass to the city of Helena.

Read third time, and passed by the following vote: —

Ayes — Messrs. English, Higley, Mitchell, Word, Watson, and Mr. President — 6.

Nays — Messrs. Barnes, Daems, Edwards, George, Jones — 5.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

C. B. No. 18, "An Act to regulate the fees of sheriffs in Montana territory," read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, English, Jones, Word, Watson — 6.

Nays — Messrs. Edwards, George, Higley, Mitchell, and Mr. President — 5.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

C. B. No. 26, "An Act to regulate the fees of the clerks of district courts in Montana," read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson — 9.

Nays — Mr. Mitchell and Mr. President — 2.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

C. B. No. 33, "An Act to repeal an act to amend an act entitled 'An Act to provide increased compensation to officers of this territory, approved January 15, 1869,'" read third time.

Mr. Watson moved to lay the bill on the table. Lost.

The bill was then placed on its final passage, and lost by the following vote: —

Ayes — Messrs. Barnes, English, Higley, Jones, Mitchell — 5.

Nays — Messrs. Daems, Edwards, George, Word, Watson, and Mr. President — 6.

Absent, Messrs. Brown and Woody — 2.

Mr. George moved to reconsider the vote by which the bill was lost.

Mr. Edwards moved to lay the motion to reconsider on the table, and that motion carried.

A communication from the House. The following bills have passed the House: —

C. B. No. 27, and C. B. No. 34; H. B. No. 27, H. B. No. 35, and H. B. No. 43; H. J. M. No. 1. The House returns C. B. No. 11 with House amendment corrected. House concurs in Council amendment to H. B. No. 39.

Mr. Cope has introduced H. B. No. 45, "An Act to regulate the taxation of quartz mills."

ROCKFELLOW, *Chief Clerk*.

A communication from the Governor was received.

On motion of Mr. Barnes, the Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Council went into Committee of the Whole on general orders. Mr. Mitchell in the chair.

Council resumed. Mr. President in the chair.

Council went into Executive Session, to consider the Governor's communication.

Council resumed. Mr. President in the chair.

H. B. No. 27 taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 35 read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, English, Higley, Jones, Word, and Watson—6.

Nays—Mr. Mitchell and Mr. President—2.

Absent, Messrs. Brown, Daems, Edwards, George, and Woody—5.

Title agreed to.

Mr. Mitchell, from Committee of the Whole, reported:—

MR. PRESIDENT:—The Committee of the Whole, to whom was referred H. B. No. 7, "An Act regulating the Auditor's salary;" also Council substitute for H. B. No. 40, "An Act to

amend section eight (8) of an act entitled 'An Act concerning limitations,' beg leave to report the same back to the Council, with the request that they be referred to a select committee.

MITCHELL, *Chairman*.

Report adopted. Mr. President appointed Messrs. Word, Watson, and Edwards as such committee.

H. B. No. 43 read first time, second reading objected to, and the bill rejected by the following vote:—

Ayes — Messrs. Barnes, English, Higley, Jones, Word, Watson, and Mr. President — 7.

Nays — Mr. Mitchell — 1.

Absent, Brown, Daems, Edwards, George, and Woody — 5.

H. J. M. No. 1 read third time, and referred to Committee on Federal Relations.

The President gave notice that he had signed the following bills:—

H. B. 37, H. B. 9, H. B. 18, H. B. 39.

On motion of Mr. Mitchell, Council took a recess till 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

A communication from the House:—

H. B. No. 4 has passed the House by a two-third vote of the House, the Governor's objections to the contrary, notwithstanding. That C. B. No. 28 has passed the House by a two-third vote, notwithstanding the Governor's objections.

H. B. No. 4 was called up, and the Governor's objections thereto were read and spread on the Journal, as follows:—

EXECUTIVE OFFICE, MONTANA TERRITORY, }
Dec. 27th, 1869. }

Gentlemen of the Legislative Assembly:—

I herewith return House Bill No. (4) four without my approval. It must be well known to your honorable body that the compensation paid by the national government to its territorial officials is utterly inadequate.

The knowledge of this fact induced the Legislative Assembly in 1865 to add to the compensation paid by the national government twenty-five hundred dollars annually to the Governor and each of the Territorial Judges.

At the same session the Legislative Assembly increased the compensation of the members twelve dollars per day, and mileage, in addition to the amount then paid them by the national government.

The Legislative Assembly, by act approved December 24, 1867, added one thousand dollars per annum to the salary paid the Secretary. Subsequently, the act of January 24, 1865, providing additional compensation to the Governor and Judges, was repealed, and the amount fixed at one thousand dollars each, while the additional compensation paid to the members of the Legislative Assembly remained as now, at twelve dollars per day and mileage.

If the proposition to abolish the additional compensation paid the Secretary had included all the territorial officials and the members of the Legislative Assembly, it would have received my approval.

The Secretary is a faithful public officer, and has done no official act to justify such an unmistakable mark of your condemnation.

JAMES M. ASHLEY.

And, on motion of Mr. Watson, the vote by which H. B. No. 4 passed the Council, was reconsidered by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President—10.

Nays—none.

Absent, Messrs. Brown, Mitchell, and Woody—3.

On further motion of Mr. Watson, that H. B. No. 4, "An Act to repeal an act entitled 'An Act providing extra compensation to the Secretary of Montana territory, approved December 24, 1867,'" do now pass, the objections of the Governor to the contrary notwithstanding, the bill was passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President—10.

Nays—none.

Absent, Messrs. Brown, Mitchell, and Woody—3.

C. B. No. 31, "An Act to amend an act entitled 'An Act relating to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby, approved December 12, 1867,'" was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Word, Watson, and Mr. President—9.

Nays—Mr. George—1.

Absent, Messrs. Brown, Mitchell, and Woody—3.

On motion of Mr. Mitchell the Council went into Executive Session to consider a communication from the Governor.

Council resumed. Mr. President in the chair.

On motion of Mr. Mitchell, the Council adjourned till to-morrow morning at 10 o'clock.

TWENTY-FOURTH DAY.

DECEMBER 29th, 1869.

Council resumed. Mr. President in the chair.

Roll called—absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

The President notified the Council that he had at 10 $\frac{1}{4}$ o'clock signed Council Bill No. 4, "An Act to authorize the citizens of

Jefferson county to change the county seat of said county," and C. B. No. 15, "An Act to authorize the citizens of Meagher county to change the county seat of said county."

The Judiciary Committee reported the following, which was, together with the petition, laid on the table:—

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred petition of the citizens of Deer Lodge, would respectfully report the same back, with the recommendation that the same be referred to the Historical Society.

GEORGE.

The Committee on Federal Relations made the following report, which was adopted:—

MR. PRESIDENT:—Your committee, to whom was referred H. J. M. No. 1, would ask leave to return the same to the Council, and recommend its passage.

JONES, *Chairman*.

The Committee on Mines and Minerals reported:—

MR. PRESIDENT:—Your Committee on Mines and Minerals, to whom was referred H. B. No. 29, "An Act to repeal an act entitled 'An Act relating to the discovery and possessory right of all placer mines,'" have examined the same, and ask leave to report the same back without recommendation.

BARNES, *Chairman*.

Report adopted.

The Enrollment Committee reported, and report adopted:—

MR. PRESIDENT:—Your Committee on Enrollment have carefully examined C. B. No. 11, "An Act to amend an act providing for the collecting of revenue, approved January 15, 1869." Also, C. B. No. 27, "An Act to authorize the Territorial Auditor, to issue a triplicate warrant in lieu of warrant No. 3, of 248, for \$390, to E. W. Haskell." Also, C. B. No. 34, "An Act defining the duties of Territorial Auditor in relation to public printing," and find the same correctly enrolled.

GEORGE, *Chairman*.

Mr. Daems, by consent, without previous notice, introduced C. B. No. 36, "An Act relating to cost in criminal cases." Read first and second times, and referred to Judiciary Committee.

The Special Committee to whom was referred H. B. No. 7, reported: —

MR. PRESIDENT: — Your Select Committee to whom was referred H. B. No. 7, beg leave to report the same back to the Council, with the recommendation that it do not pass.

SAM WORD,

T. R. EDWARDS.

On motion of Mr. Word, the report and the bill were made special order for 3 o'clock P. M.

H. B. No. 29, "An Act to repeal an act entitled 'An Act relating to discovery and possessory right of all placer mines.'" Read third time, and lost by the following vote: —

Ayes — Messrs. Barnes, Edwards, Word, and Mr. President — 4.

Nays — Messrs. Daems, English, George, Higley, Jones, and Watson — 6.

Absent, Messrs. Brown, Mitchell, and Woody — 3.

C. B. No. 25, "An Act regulating the tenure of civil officers in Montana territory," was deposited with the Territorial Secretary, this December 29, 1869, at 10½ o'clock A. M. by the Chief Clerk of the Council.

The Judiciary Committee reported, and the report laid on the table: —

MR. PRESIDENT: — Your Judiciary Committee to whom was referred H. B. No. 27, "An Act in relation to streets and alleys," beg leave to report the same back to the Council, with the recommendation that the same do not pass. Your committee would suggest that the bill proposes to give the power to the county commissioners to open new streets and alleys in incorporated towns, without making any provisions for compensating owners of private property that might be appropriated for the purpose.

It confers too much power on the county commissioners in authorizing them to open streets, &c., remove obstructions from the same at the expense of the counties; whereas, if done at all,

it should be done at the expense of the inhabitants of the town or city. Your committee regard it as a dangerous bill, and would recommend that it be indefinitely postponed.

WORD.

The President gave notice that he had signed C. Bs. Nos. 4, 11, 15, 27, and 34, this day at 11 o'clock A. M.

H. B. No. 32, "An Act to amend an act relative to elections, approved January 17, 1865," was read third time, and referred to a Special Committee for amendments, consisting of Watson, English, and Daems.

The Special Committee to whom was referred C. B. No. 30 reported:—

MR. PRESIDENT:—Your Special Committee to whom was referred C. B. No. 30, "An Act to incorporate the city of Helena," have had the same under consideration, and would recommend the adoption of two (2) sections, as section 22 and 23 of article VII., and when so amended, would recommend its passage.

ENGLISH.

Bill taken up, read third time, as amended, rules suspended, considered engrossed, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, English, Higley, Jones, Mitchell, Word, Watson, and Mr. President—9.

Nays—Messrs. Edwards and George—2.

Absent, Messrs. Brown and Woody—2.

Title agreed to.

The Committee on Enrollment reported:—

MR. PRESIDENT:—Your Committee on Enrollment have presented to His Excellency, the Governor, for his approval C. Bs. Nos. 4, 11, 15, 27, and 34, at 11 o'clock A. M. this 29th day of December, 1869.

GEORGE, *Chairman*.

H. J. M. No. 1 taken up, read third time by its title, under a suspension of the rules, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems Edwards, English, Higley, Jones, Word, Watson, and Mr. President — 9.

Nays — Messrs. George and Mitchell — 2.

Absent, Messrs. Brown and Woody — 2.

Title was amended and agreed to.

On motion of Mr. Jones, the Committee on Engrossment were instructed to return C. B. No. 8 to the Council without action.

On motion of Mr. Edwards, Council took a recess until 2 P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

C. B. No. 8, "An Act providing for the compensation of certain officers, and repealing certain act," was taken up, amended, and ordered engrossed.

Communication from the House. The following bills have passed the House: —

C. B. No. 16, C. B. No. 24, C. B. No. 28, C. B. No. 35; H. B. No. 47, and H. B. No. 48.

The House has concurred in Council amendments to H. Bs. No. 13, No. 16, and No. 26.

C. B. No. 18 has been rejected; C. B. No. 26 has been laid on the table; C. B. No. 32 has been indefinitely postponed.

The following bills have been introduced in the House: —

By Mr. Bailey — H. B. No. 46, "An Act to provide for the transcription, correction, and revision of the records of the district court of the first judicial district in and for the county of Madison."

By Mr. Collins — H. B. No. 47, "An Act to repeal sections 3 and 10 of an act entitled 'An Act relating to the discovery and possessory (right) of all placer mines.'"

I am also directed to ask when and where H. B. No. 29 was lost.

ROCKFELLOW, *Chief Clerk.*

On motion of Mr. Word, the Clerk of the Council was directed to give the House for their information the entire history of H. B. No. 29 in the Council, showing how, when, and where it was lost.

The Committee on Ways and Means reported:—

MR. PRESIDENT:—Your Committee on Ways and Means, to whom was referred H. J. R. No. 5, beg leave to report the same back to the Council, with the recommendation that it be amended by striking out “\$50,” and inserting in lieu thereof “\$47.50,” and pass as amended.

WATSON.

The resolution was taken up, amended as reported by committee, read third time, and referred to a special committee, consisting of Daems, Edwards, and Barnes.

The Select Committee, to whom was referred C. B. No. 22, reported:—

MR. PRESIDENT:—Your Select Committee, to whom was referred C. B. No. 22, beg leave to report the same back to the Council, with the recommendation that it do not pass.

WATSON.

The President gave notice that he signed H. B. No. 13, H. B. No. 26, H. B. No. 35.

H. B. No. 47 read first and second times, and referred to a select committee, consisting of Word, Watson, and Higley.

H. B. No. 48 read first and second times, and referred to Judiciary Committee.

C. B. No. 22, “An Act defining the duties of county commissioners,” taken up, read third time, and lost by the following vote:—

Ayes—Messrs. Jones, Mitchell, Word, and Mr. President—4.

Nays—Messrs. Barnes, Daems, Edwards, English, George, Higley, and Watson—7.

Absent, Messrs. Brown and Woody—2.

H. B. No. 7 read third time, and made special order for 7 o'clock P. M.

The Council went into Executive Session to consider a communication from the Governor.

Council resumed. Mr. President in the chair.

The Committee on Ways and Means reported:—

MR. PRESIDENT:—Your Committee of Ways and Means, to whom was referred C. J. R. No. 2, authorizing Territorial Auditor to issue warrants in favor of A. Kemp and W. W. Morris, beg leave to report the same back to the Council, with substitute in lieu thereof, and recommend the passage of the substitute.

WATSON.

Report and substitute adopted, and substitute ordered engrossed.

On motion of Mr. Jones, Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown, Mitchell, and Woody.

Mr. Word introduced C. S. for H. B. No. 7.

Substitute adopted, read first and second times, rules suspended, considered engrossed, read third time by its title, and passed by the following vote:—

Ayes—Barnes, Daems, English, George, Higley, Jones, Word, Watson, and Mr. President—9.

Ayes—Mr. Edwards—1.

Absent, Messrs. Brown, Mitchell, and Woody—3.

Title agreed to.

A communication from the Governor was received.

The Select Committee reported:—

MR. PRESIDENT:—Your Select Committee, to whom was referred H. B. No. 40, "An Act to amend an act entitled 'An Act

concerning limitations,' " beg leave to report the same back, and recommend the accompanying substitute in lieu of the substitute reported by the Judiciary Committee.

WORD,
WATSON,
EDWARDS.

Report adopted by the following vote: —

Ayes — Messrs. Daems, George, Higley, Jones, Word, and Mr. President — 6.

Nays — Messrs. Barnes, English, and Watson — 3.

Absent, Messrs. Brown, Edwards, Mitchell, and Woody — 4.

Substitute read first and second times, rules suspended, considered engrossed, read third time by its title, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, Mr. President — 10.

Nays — none.

Absent, Messrs. Brown, Mitchell, and Woody—2.

Title agreed to.

The Select Committee, to whom was referred H. J. R. No. 5, reported: —

MR. PRESIDENT: —Your committee to whom was referred H. J. R. No. 5, beg leave to report the same back to the Council with the recommendation that it do pass with the following amendments: Strike out "\$50," and insert "\$47.50."

L. DAEMS, *Chairman*.

Report adopted and committee discharged.

Resolution, as amended, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, Word, Watson, and Mr. President — 6.

Nays — Messrs. English, George, Higley, Jones — 4.

Absent, Messrs. Brown, Mitchell and Woody—3.

Title agreed to.

The Select Committee to whom was referred H. B. No. 47, reported :—

MR. PRESIDENT:—Your Select Committee to whom was referred H. B. No. 47 “An Act to repeal sections 3 and 10 of an act entitled ‘An Act relating to the discovery and possessory right of all placer mines,’” beg leave to report that they have had the same under consideration, and report the same back to the Council with the recommendation that it do pass with the amendments attached.

WORD.

Report and amendment adopted, read third time, and passed, as amended, by the following vote :—

Ayes—Messrs. Daems, George, Higley, Jones, Word, and Mr. President—6.

Nays—Messrs. Barnes, English, Watson—3.

Absent, Messrs. Brown, Edwards, Mitchell, and Woody—4.

Title agreed to.

Committee on Engrossment reported :—

MR. PRESIDENT:—Your committee to whom was referred C. J. R. No. 2, report the same back correctly engrossed.

BARNES, *Chairman*.

Resolution taken up, read third time, and passed by the following vote :—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Word, Watson, and Mr. President—10.

Nays—none.

Absent, Messrs. Brown, Mitchell, and Woody—3.

Title agreed to.

On motion of Mr. Higley, Council went into Executive Session, to consider the Governor's communication.

Council resumed. Mr. President in the chair.

On motion of Mr. Jones, the Council adjourned.

TWENTY-FIFTH DAY.

DECEMBER 30, 1869.

The Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Journal of yesterday read and approved.

The Select Committee to whom was referred H. B. No. 32, reported:—

MR. PRESIDENT:—Select Committee to whom was referred H. B. No. 32, "An Act to amend an act entitled 'An Act relating to elections, approved January 17, 1865,'" beg leave to report the same back to the Council, with the following amendments:—

In section 4, line 1, after the word "books" insert "and oaths;" and insert at the head of the clerk's oath the following:—

"MONTANA TERRITORY, } ss."
"County of ———. }

And recommend its passage.

WATSON.

Rules were suspended, read third time, and passed by the following vote:—

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Watson, Word, and Mr. President—10.

Nays — none.

Absent, Messrs. Brown, Mitchell, and Woody—3.

Title agreed to.

Committee on Enrollment reported:—

MR. PRESIDENT:—Your Committee on Enrollment have compared C. Bs. No. 16, No. 28, and No. 35, and find the same correctly enrolled.

A. G. P. GEORGE, *Chairman*.

Committee on Engrossment reported:—

MR. PRESIDENT:—Your Committee on Engrossment, to whom was referred Council Bill No. 8, "An Act providing for com-

pensation of certain officers, and repealing certain acts and parts of acts," would report the same as being correctly engrossed.

BARNES, *Chairman*.

The President gave notice that he had signed C. B. No. 16, C. B. No. 35, and C. B. No. 28, at 10½ o'clock A. M.

C. B. No. 8, "An Act providing for compensation of certain officers, and repealing certain acts and parts of acts," rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, English, Edwards, Higley, Jones, Word, Watson, and Mr. President—9.

Nays—none.

Absent, Messrs. Brown, George, Mitchell and Woody—4.

Title agreed to.

Judiciary Committee reported:—

MR. PRESIDENT:—Your Judiciary Committee to whom was referred H. B. No. 48, "An Act to authorize the district attorney to appoint deputies," beg leave to report that they have had the same under consideration, and find there is now on the statute book, page 242, laws of 1867, a law authorizing the appointment of deputy district attorneys, and see no necessity for the passage of this bill.

WORD, *Chairman*.

The bill was indefinitely postponed.

Mr. Barnes, by consent, without previous notice, introduced C. B. No. 37, "An Act authorizing the county commissioners of the several counties within the territory of Montana to regulate and establish the tolls on bridges and ferries."

Rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Word, Watson, and Mr. President—9.

Nays—none.

Absent, Messrs. Brown, George, Mitchell, and Woody—4.

Title agreed to.

Communication from the House. Bills introduced in the House :—

By Mr. Collins — H. B. No. 50, "An Act to repeal an act entitled 'An Act to repeal an act entitled an act to prevent the sale of liquors to soldiers.'"

By Mr. Jordan — H. B. No. 51, "An Act to repeal an act creating the office of Territorial Superintendent of Public Instruction, enacted by the first Legislative Assembly of the territory of Montana."

The following bills have passed the House :—

H. B. No. 41 ; C. B. No. 23, with amendments, and H. J. R. No. 7. ROCKFELLOW, *Chief Clerk.*

H. B. No. 6, "An Act supplementary to an act entitled 'An Act to provide for the funding of the debt of Montana territory,'" called up, and, on motion of Mr. Word, the vote by which it was indefinitely postponed was reconsidered, and the bill referred to Judiciary Committee.

The Committee on Enrollment reported :—

MR. PRESIDENT :—Your Committee on Enrollment has presented to His Excellency, the Governor, for his approval, C. B. No. 16, "An Act to regulate the fees of county clerks and recorders ;" C. B. No. 28, "An Act to repeal an act giving extra compensation to the Governor of Montana territory," and C. B. No. 35, "An Act to repeal parts of an act to amend an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana territory, approved January 15, 1867,' " at 11 o'clock A. M. this 30th day of December, 1869.

C. B. No. 24 taken up, House amendment thereto was read, and the Council refused to concur therein, and respectfully asked the House to recede therefrom. Afterwards, the vote by which the Council refused to concur was reconsidered, and the bill referred to a select committee, consisting of George, Word, and English.

C. B. No. 23, "An Act concerning licenses," taken up, House amendments thereto concurred in, and the bill ordered enrolled.

Mr. Watson, by consent, without previous notice, introduced C. B. No. 38, "An Act to legalize certain conveyances of real estate and quartz property in this territory." Read first and second times, rules suspended, considered engrossed, read third time, and lost by the following vote: —

Ayes — Messrs. Barnes, Higley, Watson — 3.

Nays — Messrs. Daems, Edwards, English, George, Word, and Mr. President — 6.

Absent, Messrs. Brown, Mitchell, Jones, and Woody — 4.

H. B. No. 41, "An Act to repeal and amend certain acts and parts of acts granting extra compensation to certain officers." Read first and second times, and referred to Committee on Ways and Means.

H. J. R. No. 9, read first and second times, and referred to Committee on Ways and Means.

On motion of English, Council took a recess till 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

H. B. No. 27, "An Act in relation to streets and alleys," taken up, read third time, and lost by the following vote: —

Ayes — Messrs. Higley, Mitchell, Watson, and Mr. President — 4.

Nays — Messrs. Barnes, Daems, Edwards, English, George, Jones, and Word — 7.

Absent, Messrs. Brown and Woody — 2.

Mr. Barnes, by consent, without previous notice, introduced C. B. No. 39, "An Act to amend section 2 of an act entitled 'An Act to amend an act defining the duties of the Territorial

Auditor and Territorial Treasurer of Montana territory." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President—11.

Nays—none.

Absent, Messrs. Brown and Woody—2.

Title agreed to.

Mr. President gave notice that he had signed H. J. R. No. 5, H. B. No. 16, "An Act to repeal certain acts," H. B. No. 47, "An Act to repeal sections 3 and 10 of an act relating to the discovery and possessory right of placer mines," and H. J. M. No. 1, at 2½ P. M. to-day.

Mr. George introduced C. B. No. 40, "An Act to regulate the fees of district attorneys in Montana territory." Read first and second times, and referred to Committee on Ways and Means.

Communication from the House:—

C. B. No. 31 has passed the House, with amendments.

The House has concurred in the Council amendments to H. J. R. No. 5, H. B. No. 32, and H. B. No. 47, and also in C. substitute for H. B. No. 47 and H. B. No. 40.

The House has refused to recede from their amendment to C. B. No. 23, and respectfully ask a Conference Committee.

The Special Committee to whom was referred C. B. No. 24, reported:—

MR. PRESIDENT:—Your Special Committee to whom was referred Council Bill No. 24, "An Act to provide for the custody, maintenance, and treatment of the insane of the territory," have carefully examined the same, and would recommend that if the same do pass, it be with the following amendments:—

Amend section 1 by striking out all after "shall" in first line to "assembled" in sixth line, and insert the following in lieu thereof:—"The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint."

A. G. P. GEORGE,

Chairman of Select Committee.

The report was not adopted, and the question then recurring on the motion to concur in the House amendments, was lost by the following vote : —

Ayes — Messrs. Daems, Edwards, English, Higley, Mr. President — 5.

Nays — Messrs. Barnes, George, Jones, Mitchell, Word, Watson — 6.

Absent, Messrs. Brown and Woody — 2.

The Committee on Ways and Means reported H. J. R. No. 9.

Report adopted, resolution read third time, and passed by the following vote : —

Ayes — Messrs. Barnes, Daems, Edwards, English, Higley, Jones, Word, Watson, Mr. President — 9.

Nays — Messrs. George and Mitchell — 2.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

Also, H. B. No. 41, with amendments, adopted and ordered engrossed.

The Judiciary Committee reported : —

MR. PRESIDENT : — Your Judiciary Committee, to whom was referred H. B. No. 6, "An Act supplemental to an act entitled 'An Act to provide for the funding of the debt of Montana, approved December 3d, 1867,'" beg leave to report the same back with the recommendation that it pass, with substitute for section 1 of said act.

WORD, *Chairman*.

The report and substitute were adopted.

Rules suspended, substitute considered engrossed, read third time, and passed by the following vote : —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Jones, Mitchell, Word, Watson, and Mr. President — 11.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

The Committee on Education reported :—

MR. PRESIDENT :— Your Committee on Education, to whom was referred H. B. No. 33, being “ An Act to amend an act entitled ‘ An Act to amend an act to establish a common school system,’ ” have had the same under consideration, and would beg leave to report the same back with a recommendation that it do not pass.

H. W. ENGLISH.

Report adopted, and, on motion of Mr. English, the bill was indefinitely postponed.

The Committee on Engrossment reported :—

MR. PRESIDENT :— Your Committee on Engrossment, to whom was referred substitute for H. B. No. 41, with amendments, report the same correctly engrossed.

BARNES, *Chairman*.

On motion of Mr. Watson, the bill was laid on the table for the present.

H. B. No. 51, “ An Act to repeal an act creating the office of Territorial Superintendent of Public Instruction, enacted by the first Legislative Assembly of this territory,” read first and second times, and rules suspended, considered engrossed, read third time, and passed by the following vote :—

Ayes — Messrs. Barnes, Daems, George, Higley, Jones, Word, Watson, Mr. President — 8.

Nays — Messrs. Edwards, English, and Mitchell — 3.

Absent, Messrs. Brown and Woody — 2.

Title agreed to.

C. B. No. 31, “ An Act to amend an act entitled ‘ An Act relative to the pre-emption of town sites on public lands and the disposal of trusts created thereby,’ ” taken up, House amendments read, and the Council refused to concur therein, and respectfully ask the House to recede therefrom.

The Committee on Ways and Means reported back C. B. No. 40, "An Act to regulate the fees of district attorneys in Montana," with amendments, and the bill was ordered engrossed.

A communication from the Governor was received.

On motion of Mr. George, the Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

Mr. President gave notice that he had signed C. Substitute for H. B. No. 7, at 4½ P. M.

On motion of Mr. Edwards, the Council adjourned till 10 o'clock to-morrow.

TWENTY-SIXTH DAY.

DECEMBER, 31, 1869.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Mr. Jones.

Journal of yesterday read and approved.

A petition from the citizens of Helena was introduced by Mr. Barnes.

On motion of Mr. Watson, the petition was laid on the table for the present.

Mr. George introduced C. B. No. 41, "An Act to amend an act in relation to the appointment of deputy district attorneys, approved December 23d, 1867."

Read first and second times, and referred to Committee on Judiciary, with request that the committee report on the bill as soon as possible.

The bill was reported back immediately, with the recommendation that it do pass.

The rules were suspended, bill considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Barnes, Daems, Edwards, English, George, Higley, Mitchell, Watson, and Mr. President—9.

Nays—Mr. Word—1.

Absent, Messrs. Brown and Woody—2.

Absent on leave, Mr. Jones—1.

Mr. President gave notice that he had signed H. B. No. 32, at 11 o'clock this day.

Communication from the House. The following bills have been introduced in the House:—

By Mr. Barrett—H. B. No. 52, "An Act to amend an act entitled 'An Act to amend an act entitled an act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby, approved December 12, 1867.'"

By Mr. Forbis—H. B. No. 53, "An Act to authorize the Auditor of Montana territory to perform certain duties," and the bill passed the House.

C. B. No. 30 has been indefinitely postponed.

C. B. No. 39 has passed the House.

The House refuses to recede from their amendments to C. B. No. 24, and respectfully asks that a Conference Committee be appointed.

The House has receded from their amendment to C. B. No. 31.

The House has concurred in Council amendments to H. B. No. 6.

C. B. No. 24, "An Act to provide for the custody, maintenance, and treatment of the insane of Montana territory," taken up, and a Conference Committee was appointed by Mr. President, consisting of Messrs. Mitchell, Word, and Daems, to act with a like committee from the House.

ROCKFELLOW, *Chief Clerk.*

Committee on Enrollment reported :—

MR. PRESIDENT :— Your Committee on Enrollment have examined C. B. No. 37, "An Act authorizing the county commissioners of the several counties in the territory to regulate and establish the tolls on bridges and ferries," and C. J. R. No. 2, and find the same correctly enrolled.

GEORGE, *Chairman*.

On motion of Mr. Word, Council took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called— absent, Messrs. Brown and Woody.

A communication from the Governor was received, and, on motion of Mr. Edwards, Council went into Executive Session to consider the same.

Council resumed. Mr. President in the chair.

The President gave notice that he had signed C. J. R. No. 2, and C. B. No. 37, "An Act authorizing the county commissioners of the several counties in the territory to regulate the tolls on bridges and ferries," at 2½ P. M. this day.

A communication from the House :—

Mr. Collins has introduced H. B. No. 54, "An Act to amend an act entitled 'An Act to locate the seat of government in and for the territory of Montana, passed January 24, 1865.'"

I am directed to request your honorable body to return C. B. No. 23 to the House.

Also, to request your honorable body to return me C. B. No. 30.

Mr. Pounds has introduced H. J. R. No. 9, authorizing the Auditor to draw certain warrants, and the resolution has passed the House.

ROCKFELLOW, *Chief Clerk*.

Committee on Ways and Means reported: —

MR. PRESIDENT:—Your Committee of Ways and Means, to whom was referred H. J. R. No. 4, asking for an appropriation of \$437.67, have had the same under consideration, and would recommend the striking out all after the word “cent,” in the 7th line, to the word “out,” in the 112th line, and, when so amended, that it do pass.

H. W. ENGLISH.

Amendment not adopted.

On motion of Mr. Word, H. J. R. No. 4 was called up, read third time, and passed by the following vote: —

Ayes—Messrs. Daems, George, Higley, Mitchell, Word, and Watson — 6.

Nays—Messrs. Barnes, Edwards, English, and Mr. President — 4.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Mr. Jones — 1.

Title agreed to.

Committee on Engrossment reported: —

MR. PRESIDENT:—Your committee, to whom was referred C. B. No. 40, “An (Act) to regulate the fees of district attorney (of) Montana territory,” would report the same correctly engrossed.

BARNES *Chairman*.

Mr. President gave notice that he had signed H. B. No. 51, H. B. No. 6, C. S. for H. B. No. 40, and H. J. R. No. 7, at 3½ o'clock P. M. this day.

The committee appointed to confer with a like committee from the House, reported: —

MR. PRESIDENT:—Your Special Committee appointed to confer with a like committee on the part of the House, on the subject matter of difference between the two Houses, in C. B. No. 24, agreed to make the following report to the respective Houses. That the Council do concur in the House amendment to C. B. No. 24.

MITCHELL, WORD, AND DAEMS.

On motion of Mr. Mitchell, the House amendment to C. B. No. 24 was concurred in by the following vote: —

Ayes — Messrs. Barnes, Deams, English, Higley, Mitchell, Watson, Word, and Mr. President — 8.

Nays — Messrs. Edwards and George — 2.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Mr. Jones — 1.

H. J. R. No. 9, authorizing the Auditor to draw certain warrants, was read first and second times, rules suspended, read third time, and passed by the following vote: —

Ayes — Messrs. Barnes, Daems, Edwards, English, George, Higley, Mitchell, Word, Watson, and Mr. President — 10.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Mr. Jones — 1.

Mr. Mitchell introduced C. J. R. N. 3, read first and second times, and referred to Committee of the Whole.

On motion of Mr. Edwards, the Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Mr. Jones.

Council went into Committee of the Whole to consider C. J. R. No. 3. Mr. Watson in the chair.

Council resumed. Mr. President in the chair.

The Committee of the Whole reported: —

MR. PRESIDENT: — The Committee of the Whole to whom was referred C. J. R. No. 3, beg leave to report the same back to the Council, with the recommendation that it be referred to a select committee of five.

WATSON, *Chairman*.

Report adopted, and Messrs. English, Watson, Mitchell, Word, and Edwards, appointed that committee.

H. B. No. 53 read first and second times, and referred to Committee on Ways and Means.

C. B. No. 40, "An Act to regulate the fees of district attorneys," taken up. Laid on the table till Monday morning.

The Committee on Ways and Means, reported:—

MR. PRESIDENT:—Your Committee on Ways and Means, to whom was referred H. B. No. 53, have had the same under consideration, and ask to report the same back, and recommend that it do pass.

ENGLISH, *Chairman*.

The report and bill were laid on the table till Monday morning.

On motion of Mr. Mitchell, Council adjourned till Monday morning, at 10 o'clock.

TWENTY-NINTH DAY.

JANUARY 3, 1870.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called—absent, Messrs. Brown, Jones, and Woody.

Journal of Friday read and approved.

The Committee on Enrollment, reported:—

MR. PRESIDENT:—Your Committee on Enrollment have carefully examined C. B. No. 23, "An Act concerning licenses," and C. B. No. 24, "An Act for the maintenance, custody, and treatment of the insane of Montana territory," and found the same correctly enrolled.

GEORGE, *Chairman*.

Mr. Watson, by consent, without previous notice, introduced C. B. No. 42, "An Act amendatory of an act entitled 'An Act

regulating the proceeding and defining the jurisdiction of the probate courts of the territory of Montana, approved December 23, 1869.'” Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote : —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Watson, and Mr. President — 8.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Barnes, Jones, and Word — 3.

Title agreed to.

Mr. President gave notice that he had signed C. B. No. 23, and C. B. No. 24, at 10½ o'clock A. M. this day.

The Committee on Enrollment reported : —

MR. PRESIDENT : — Your Committee on Enrollment has presented to the Governor for his approval, C. B. No. 23, “An Act concerning licenses,” and C. B. No. 24, “An Act providing for the maintenance, custody, and treatment of the insane of Montana,” and C. B. No. 37, “An Act authorizing the county commissioners of the several counties of Montana to regulate the tolls on bridges and ferries.” Also, C. J. R. No. 2, at 11½ o'clock A. M. this 3d day of January, A. D. 1870.

A. G. P. GEORGE, *Chairman*.

On motion of Mr. Mitchell, indefinite leave of absence was granted to Mr. Barnes.

C. B. No. 40, “An Act to regulate the fees of district attorneys in Montana,” read third time, and passed by the following vote : —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Watson, and Mr. President — 7.

Nays — Mr. Mitchell — 1.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, Jones, and Word — 3.

Title agreed to.

C. C. Resolution No. 1, introduced by Mr. English, and, on motion of Mr. Watson, laid on the table for the present.

C. B. No. 10, "An (Act) establishing an immigration bureau," taken up, read third time, and lost by the following vote:—

Ayes—Messrs. George and Mitchell—2.

Nays—Messrs. Daems, Edwards, English, Higley, Watson, and Mr. President—6.

Absent on leave, Messrs. Barnes, Jones, and Word—3.

Absent, Messrs. Brown and Woody.

Communication from the House:—

Mr. Barrett has introduced H. B. No. 55, "An Act to amend an act entitled an 'An Act concerning licenses, approved January 15th, 1869.'"

The following bills have passed the House:—

C. B. No. 30; C. B. No. 41; H. B. No. 55; and H. J. R. No. 8.
ROCKFELLOW, *Chief Clerk*.

H. B. No. 53, "An Act to authorize the Auditor of Montana to perform certain duties," taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Edwards, English, George, Higley, Mitchell, and Mr. President—6.

Nays—Messrs. Daems and Watson—2.

Absent, Messrs. Barnes, Jones, and Word, on leave—3.

Absent, Messrs. Brown and Woody—2.

Title agreed to.

H. J. R. No. 8, "Requesting the Secretary to furnish copies of the Journals of the two Houses of the Legislative Assembly," read first and second times; amendment offered and adopted; rules suspended, amendment considered engrossed; read third time, and passed by the following vote:—

Ayes — Messrs. Daems, Edwards, English, Higley, Mitchell, Watson, and Mr. President — 7.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, Jones, and Word — 3.

Title agreed to.

C. J. R. No. 4, read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote: —

Ayes — Messrs. Daems, Edwards, English, Higley, Mitchell, Watson, and Mr. President — 7.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, George, Jones, and Word — 4.

Title agreed to.

C. B. No. 30, "An Act to incorporate the town of Helena," taken up, House amendments read and concurred in, and bill ordered enrolled.

H. B. No. 55, "An Act to amend an act entitled 'An Act concerning licenses, approved January 15, 1869,'" read first and second times; rules suspended, read third time by its title, and passed by the following vote: —

Ayes — Messrs. Edwards, English, George, Higley, Mitchell, Watson, and Mr. President — 7.

Nays — none.

Absent, Messrs. Brown, Daems, and Woody — 3.

Absent on leave, Messrs. Barnes, Jones, and Word — 3.

Title agreed to

On motion of Mr. Edwards, Council took a recess until 2 P. M.

TWO O'CLOCK P. M.

Council resumed. Mr. President in the Chair.

Roll called — absent, Messrs. Brown and Woody.

Absent, Messrs. Barnes and Jones, on leave.

Committee on Enrollment reported: —

MR. PRESIDENT:—Your Committee on Enrollment has examined C. B. No. 41, "An Act to amend an act in relation to the appointment of deputy district attorneys, approved December 23, 1867," and find the same correctly enrolled.

GEORGE, *Chairman*.

Mr. English asked leave to introduce "A Bill concerning nuisances."

Mr. Wood objected, and leave was refused.

On motion of Mr. Word, Council took a recess for one hour, and until 3½ o'clock P. M.

HALF-PAST THREE P. M.

Council resumed. Mr. President in the chair.

On motion of Mr. Watson, Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

On motion of Mr. Word, Council adjourned till 10 A. M. tomorrow.

THIRTIETH DAY.

JANUARY 4, 1870.

Council met at 10 A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Journal of yesterday read and approved.

The President gave notice that he had, at 10½ A. M. this day, signed H. B. No. 53, "An Act to authorize the Auditor of Montana territory to perform certain duties;" H. B. No. 55, "An Act to amend an act concerning licenses;" H. J. R. No. 4, H. J. R. No. 8, H. J. R. No. 9.

Communication from the House:—

The following bills have been introduced:—

By Mr. Gibbs — H. B. No. 56, "An Act to organize a bureau of immigration for Montana territory," and has been rejected.

By Mr. Cockerill — H. B. No. 57, "An Act defining the qualifications of jurors and territorial, county, and township officers," and has been rejected.

Bills passed the House:—

C. B. No. 40, C. B. No. 42, H. B. No. 52, C. B. No. 8, with amendments; C. J. R. No. 4 has passed, and that Council amendments to H. J. R. No. 8 have been concurred in.

ROCKFELLOW, *Chief Clerk*.

The Select Committee, to whom was referred C. J. R. No. 3, reported:—

MR. PRESIDENT:—Your committee of five, to whom was referred C. J. R. No. 3, have carefully examined the same, and would earnestly recommend its passage without amendments.

ENGLISH, *Chairman*.

Report adopted, resolution read third time, and passed by the following vote:—

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Watson, and Mr. President — 8.

Nays — Mr. Word — 1.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

The Committee on Ways and Means reported the Auditor's and Treasurer's accounts : —

REPORT OF THE JOINT COMMITTEE OF WAYS AND MEANS OF THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE LEGISLATIVE ASSEMBLY OF MONTANA TERRITORY, AT THEIR SIXTH SESSION, ON THE ANNUAL REPORTS OF THE AUDITOR AND TREASURER.

Messrs. President of the Council, and Speaker of the House of Representatives : —

Your Joint Committee on Ways and Means, to whom was referred the Auditor's and Treasurer's reports of the territory of Montana, beg leave to report as follows : —

That the report of the Territorial Treasurer shows a balance of funds (appropriated by law to the sinking fund for the redemption of bonds), to the amount of ten thousand three hundred and fifty-nine dollars and ten cents (\$10,359.10).

The following correspondence and statements are given as exhibits of the deposit of the above amount : —

[Copy.]

Messrs. Hussey, Dalher & Co., Bankers, Virginia City, M. T. : —

GENTLEMEN : — I am instructed by the Committee on Ways and Means of the Council of Montana, to enquire the amount of funds deposited in your hands at this place and Helena, to the credit of W. G. Barkley, Esq., Territorial Treasurer.

I am desired, by the committee, to request an immediate answer, in writing, in order that a report may be made to the Council to-day. Respectfully,

[Signed.]

S. D. JOHNS,
Clerk Com. on W. and M., Council,
Virginia City, Dec. 29, 1869.

[Copy.]

BANKING HOUSE OF HUSSEY, DALHER & Co., }
 VIRGINIA CITY, Dec. 30, 1869. }

Mr. S. D. Johns, Clerk Com. on Ways and Means, Council, Virginia City, M. T. :—

DEAR SIR:—In reply to yours of this date, requesting to know the amount of funds deposited in this office to credit of W. G. Barkley, Esq., and also, amount to his credit at our Helena office, we reply that, W. G. Barkley has to his credit in this office, eight thousand five hundred and seventy dollars and sixty-five cents (\$8,570.65); and to his credit with us in our Helena office, one thousand and forty-one dollars and thirty-two cents (\$1,041.32).

Very respectfully, your obedient servants,

HUSSEY, DALHER & CO.

(Kinney.)

There are now in the Treasurer's office acknowledgments of credits, certificates of deposit with Northrup & Chick, bankers, at No. 6, Wall street, New York city, and cash on hand for the following amounts:—

With Northrup & Chick:—

Nov. 20, 1869.....	\$ 322 99
“ 29, “	2,500 00
Dec. 2, “	1,850 00
“ 4, “	42 00

RECAPITULATION.

With Hussey, Dalher & Co.:—

At Virginia City.....	\$8,570 65
At Helena.....	1,041 32
Cash on hand in Treasurer's safe.....	98 14
	—————\$14,424 10
Deduct for deposits with Northrup & Chick, New York, to pay interest Coupons, due Dec. 1, 1869.....	4,065 00
Leaving a balance to Sinking Fund.....	<u>\$10,359 00</u>

The Treasurer's office contains receipts from the Territorial Auditor, and returned coupons for the amount stated in the report; as follows:—

Coupons paid in New York, June 1, 1869.....	\$2,413 08
“ “ “ Virginia City, M. T., June 1, 1869...	2,207 02
“ “ “ New York, Dec. 1, 1869.....	4,065 00
“ “ “ Virginia City, Dec. 1, 1869.....	705 00
	<hr/>
	\$9,390 10

Also, Territorial Warrants paid to the amount of.....\$1,890 71

The Auditor's books, together with vouchers and receipts in the hands of the Treasurer, show the following disbursements:—

For expenses of the Territorial Legislature for the session of 1868 and 1869, including amounts paid to clerks and attaches.....\$28,628 60

Amounts of warrants drawn on the Territorial Treasurer for the payment of officers of the United States:—

To the Chief Justice.....	\$ 791 67
“ Judge 2d judicial district.....	791 67
“ “ 3d “ “	567 74
“ Territorial Secretary (Tufts).....	766 67
	<hr/>
	\$ 2,917 75

For locating penitentiary (Wade).....	\$ 550 50
“ building arsenal.....	2,000 00
“ storage and care of arms and ordnance	1,101 00
	<hr/>
	\$ 3,651 50

Amount paid for apprehension and custody of territorial prisoners:—

County of Lewis and Clarke.....	\$ 511 50
“ “ Deer Lodge.....	2,277 00
“ “ Madison	822 00
“ “ Wm. Berkin.....	733 84
	<hr/>
	\$ 4,344 34

Paid for litigation:—

To Davis & Thoroughman.....	\$ 550 00
“ Addison Smith, Treas. Deer Lodge Co.	700 00
	<hr/>
	\$ 1,250 00

Salaries of district attorneys:—

1st judicial district.....	\$1,500 00	
2d " " 	1,500 00	
3d " " 	1,500 00	
		—————\$ 4,500 00

Paid for fuel, lights, stationery, and furniture for offices of Territorial Auditor and Treasurer:—

For safe.....	\$ 300 00	
" rent.....	250 00	
" stationery, lights, and fuel.....	278 08	
		—————\$ 828 08

Paid Superintendent of Public Instruction:—

For salary.....	\$1,077 33	
" desk.....	68 50	
" stationery.....	23 50	
" traveling expenses.....	60 75	
		—————\$ 1,230 08

Paid Territorial Auditor:—

For per centage on issues of warrants.....	\$2,702 01	
" salary.....	700 00	
		—————\$ 3,402 01

Paid Territorial Treasurer:—

For per centage (being cash drawn from treasury for which no warrant is issued).\$2,094 10		
For salary, in warrants.....	700 00	
		—————\$ 2,794 10

Paid to county treasurers for mileage and per centage, as per report.....	4,825 78	
For printing.....	2,433 00	
Expenses and postal charges.....	45 80	

Total.....	\$60,851 04	
Deduct county and Territorial Treasurer's fees.....	6,919 85	

Warrants issued.....	\$53,931 19	
Total amount of revenue collected.....	57,923 90	

Amounts paid for its collection :—

To county treasurers.....	\$4,825 78
Printing.....	2,433 00
Per centage to Territorial Treasurer.....	2,094 10
Expenses and postal charges.....	45 80
Total.....	<u>\$9,398 68</u>

Making the cost of collecting the entire revenue of the territory sixteen and one-fifth per cent of the amount collected, exclusive of fees allowed by law to county assessors.

RECAPITULATION.

For expenses of Legislature for 1868 and 1869.....	\$28,628 60
“ United States officers and federal purposes.....	6,569 25
“ territorial prisoners.....	4,344 34
“ litigation.....	1,200 00
“ salaries of district attorneys.....	4,500 00
“ expenses of Auditor’s and Treasurer’s offices....	828 08
“ Superintendent of Public Instruction.....	1,230 08
“ Auditor’s salary and per centage.....	3,402 01
“ Treasurer’s salary and per centage.....	2,794 10
“ county treasurers.....	4,835 78
“ printing.....	2,433 00
“ expenses and postal charges.....	45 80
Total.....	<u>\$60,851 04</u>

Deduct for amount paid county treasurers,
for which no warrant was drawn, but re-
tained on settlement.....\$4,825 75

Deduct per centage of Territorial Treasurer,
for which no warrant was drawn..... 2,094 10
\$ 6,919 85

Warrants issued, as per Auditor’s report... ..\$53,931 19

A. H. BARRETT, *Chairman,*

A. J. SMITH, H. JORDAN,

Committee of Ways and Means, House of Representatives.

H. W. ENGLISH, *Chairman,*

THOMAS WATSON,

Committee of Ways and Means, of the Council.

FRANK H. WOODY (absent), *Joint Committee.*

On motion of Mr. English, the Clerk of the Council was instructed to append a printed copy of the Governor's Message to the Journal.

H. B. No. 52, was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Daems, Edwards, English, Higley, Mitchell, Word, Watson, and Mr. President—8.

Nays—Mr. George—1.

Absent, Messrs. Brown and Woody—2.

Absent on leave, Messrs. Jones and Barnes—2.

Title agreed to.

C. B. No. 8 was taken up, House amendment read and not concurred in, and the Clerk directed to ask the House to recede therefrom.

On motion of Mr. Mitchell, the Council took a recess until 4 o'clock P. M.

FOUR O'CLOCK, P. M.

Council resumed. Mr. President in the chair.

Roll called—absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Communication from the House.

Bills introduced in the House:—

By Mr. Lamme—H. B. No. 58, "An Act for the disposition of the proceeds of the sale of lots in the town of Bozeman."

By Mr. Barrett—H. J. R. No. 13, "Appropriating \$300 to S. D. Johns, as Clerk of the Committee on Ways and Means."

That H. J. R. No. 13 has passed the House.

That the House refuses to recede from their amendment to C. B. No. 8, and asks a Conference Committee.

ROCKFELLOW, *Chief Clerk*.

On motion of Mr. Mitchell, the vote by which the Council refused to concur in House amendments to C. B. No. 8 was reconsidered, and, upon further motion of Mr. Mitchell, the Council concurred in the same.

H. J. R. No. 13 taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. English, Daems, Edwards, Higley, Mitchell, Watson, and Mr. President—7.

Nays—none.

Absent, Brown and Woody—2.

Absent on leave, Messrs. Barnes, George, Jones, and Word—4.

The President gave notice that he had signed H. B. No. 52, "An Act to amend an act entitled 'An Act to amend an act entitled an act relative to pre-emption of town sites upon public lands and the disposal of trusts created thereby, approved December 12, 1867,'" at 4½ o'clock.

On motion of Mr. English, Council adjourned till 10 A. M. tomorrow.

THIRTY-FIRST DAY.

JANUARY 5th, 1870.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called—absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Journal of yesterday read and approved.

C. C. R. No. 1 taken up, read third time, and laid on the table.

The Committee on Enrollment reported:—

MR. PRESIDENT:—Your Committee on Enrollment have carefully examined C. B. No. 30, C. B. No. 41, C. B. No. 42, and C. J. R. No. 4, and find the same correctly enrolled.

GEORGE, *Chairman.*

The President gave notice that he had signed C. B. No. 30, C. B. No. 41, C. B. No. 42, and C. J. R. No. 4, and H. J. R. No. 13, at 11½ o'clock.

Committee on Enrollment reported : —

MR. PRESIDENT : — Your Committee on Enrollment have presented to His Excellency the Governor for his approval, C. B. No. 30, C. B. No. 41, C. B. No. 42, and C. J. R. No. 4, at 11 o'clock A. M. this 5th day of January, 1870.

GEORGE, *Chairman*.

The Committee on Ways and Means reported : —

MR. PRESIDENT : — Your Committee on Ways and Means beg leave to offer the following joint resolution (No. 5), and recommend its passage : —

Resolved, That the Auditor be, and he is hereby authorized to draw his warrants in favor of D. W. Tilton, B. D. Maxham, and John Manheim, for articles furnished the Legislative Council.

H. W. ENGLISH, *Chairman*.

Resolution read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote : —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Watson, and Mr. President — 8.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, Jones, and Word — 3.

Title agreed to.

Mr. George introduced C. J. R. No. 6, "To authorize the Secretary of the territory to correct and punctuate all bills passed at this session of the Legislative Assembly, before having the same printed."

Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote : —

Ayes — Messrs. Daems, English, George, Higley, Mitchell, Watson, and Mr. President — 7.

Nays — Mr. Edwards — 1.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, Jones, and Word — 3.

Title agreed to.

On motion of Mr. English, the Committee on Printing were authorized to contract, at reasonable rates, with the printers for 250 copies of the report of the Committee on Ways and Means on the Territorial Auditor's and Treasurer's accounts.

On motion of Mr. Mitchell, the Council took a recess until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Communication from the House. The following bills have passed the House: —

H. J. R. No. 15, H. J. R. No. 17, H. J. R. No. 16, H. J. R. No. 18, H. J. R. No. 19, and H. B. No. 59.

ROCKFELLOW, *Chief Clerk*.

H. J. R. No. 5 read first and second times, and laid on the table till to-morrow at 10½ o'clock A. M.

H. J. R. No. 17 read first and second times, and referred to Committee on Ways and Means.

H. J. R. No. 18 read first and second times, rules suspended, read third time, and passed by the following vote: —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Watson, and Mr. President — 8.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, Jones, and Word — 3.

Title agreed to.

H. J. R. No. 19 read first and second times, and referred to Committee on Printing.

The Committee on Enrollment reported: —

MR. PRESIDENT: — Your Committee on Enrollment have carefully examined C. B. No. 8, "An Act providing for compensation of certain officers, and repealing certain acts and parts of acts," and C. B. No. 40, "An Act to regulate the fees of district attorneys in Montana," and find the same correctly enrolled.

GEORGE, *Chairman*.

On motion of Mr. Watson, the Council adjourned until 10 o'clock to-morrow morning.

THIRTY-SECOND DAY.

JANUARY 6, 1870.

Council met at 10 o'clock A. M. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Journal of yesterday read and approved.

H. J. R. No. 5 taken up, read third time, and passed by the following vote: —

Ayes — Messrs. Edwards, English, George, Higley, Mitchell, Word, Watson, and Mr. President — 8.

Nays — Mr. Daems — 1.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

The President gave notice that he had, at 10½ o'clock, signed C. J. R. No. 5, C. J. R. No. 6, and C. B. No. 8, "An Act providing for compensation of certain officers, and repealing certain acts and parts of acts," and C. B. No. 40, "An Act to regulate the fees of district attorneys in Montana territory."

C. C. R. No. 2, "Inviting the House to meet the Council in joint convention," read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes — Messrs. Daems, Edwards, English, Higley, Mitchell, Watson, and Mr. President — 7.

Nays — Messrs. George and Word — 2.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

C. C. R. No. 3, "Raising a joint committee to wait on the Governor to make inquiries," read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Word, and Mr. President — 8.

Nays — Mr. Watson — 1.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

President appointed on that committee, on the part of the Council, Messrs. George, Edwards, and Mitchell.

C. C. R. No. 4, "Providing for codification of the laws," &c., read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Word, Watson, and Mr. President — 9.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

On motion of Mr. Word, Council took a recess until 4 P. M.

FOUR O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Communication from the House:—

That C. C. Rs. Nos. 2, 3, 4, have passed the House.

That C. J. R. No. 3 has passed the House, with amendments.

That H. J. R. No. 20 has been introduced in, and passed, the House.

ROCKFELLOW, *Chief Clerk*.

Committee on Enrollment reported:—

MR. PRESIDENT:—Your Committee on Enrollment have carefully examined C. B. No. 8, "An Act providing for compensation of certain officers, and repealing certain acts;" C. B. No. 40, "An Act to regulate the fees of district attorneys;" also C. J. Resolutions Nos. 5 and 6, and find them correctly enrolled, and have delivered the same to His Excellency, the Governor, for his approval, at 11 o'clock A. M. this 6th day of January, 1870.

GEORGE, *Chairman*.

Committee on Ways and Means reported:—

MR. PRESIDENT:—Your Committee on Ways and Means, to whom was referred H. J. R. No. 17, beg leave to report the same

back to the Council, with a substitute therefor, and recommend the passage of the substitute.

WATSON.

Report and substitute adopted.

The Joint Committee appointed to wait on the Governor, reported : —

MR. PRESIDENT : — I hereby respectfully report, that the Joint Committee of the Legislative Assembly have waited on His Excellency, the Governor, James M. Ashley, in pursuance to the joint resolution of both Houses, and he is pleased to inform us that he will have no further communication to lay before this body after 12 o'clock M., January 7, A. D. 1870.

A. G. P. GEORGE, *Chairman,*
on part of Council.

Mr. Mitchell introduced C. B. No. 43, "An Act to create a bureau of immigration for Montana," read first and second times, and referred to a select committee, consisting of Mitchell, English, and Higley.

C. C. R. No. 3 taken up, and House amendments thereto concurred in.

Council substitute H. J. R. No. 17, read third time, and passed by the following vote : —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Watson, Mr. President — 8.

Nays — none.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes, Word, and Jones — 3.

Title agreed to.

Committee on Towns and Counties reported H. B. No. 36 back to the Council, with the recommendation that the same do pass.

Mr. Edwards offered a substitute therefor. Substitute adopted, read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote : —

Ayes — Messrs. Deams, Edwards, English, George, Higley, Mitchell, Watson, and Mr. President — 8.

Nays — none.

Absent, Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

On motion of Mr. George, the Clerk was instructed to append a printed copy of the Territorial Auditor's and Treasurer's reports.

On motion of Mr. Mitchell, the Council took a recess until 6½ o'clock P. M.

6½ O'CLOCK P. M.

Council resumed. Mr. President in the chair.

Roll called — absent, Messrs. Brown and Woody.

Absent on leave, Messrs. Barnes and Jones.

Committee on Enrollment reported: —

MR. PRESIDENT:— Your Committee on Enrollment have carefully compared C. C. R. No. 1 with the engrossed resolution that has passed both Houses, and find the same correctly enrolled, and have presented the same to His Excellency, the Governor, at 6½ o'clock this day for his approval.

GEORGE, *Chairman*.

C. C. R. No. 5, "To appropriate money to the supreme judges for revising and codifying the laws of Montana," taken up. Mr. Watson offered an amendment; amendment and resolution laid on table for the present.

The speaker and members of the House announced, and were invited within the bar of the Council.

The two Houses then went into joint session.

In joint convention. Mr. President in the chair.

Roll called — a quorum of both houses present.

On motion of Mr. Mitchell, the convention proceeded to elect commissioners for the insane asylum.

The following gentlemen were placed in nomination : —

From the First Judicial District,

Mr. P. McGovern and G. H. Campbell.

From the Second Judicial District,

Granville Stewart and Con. Bray.

From the Third Judicial District,

D. C. Corbin and Wm. Davenport.

Ballotings were then had, and P. McGovern, from First Judicial District; Granville Stewart, from the Second Judicial District; and D. C. Corbin, from the Third Judicial District, having received a majority of all the votes cast, were declared elected Commissioners of the Insane, for their respective districts.

The convention then proceeded to the election of a Warden of the Penitentiary, and George W. Hill, having received all the votes cast, was declared unanimously elected.

The convention then proceeded to the election of a State Convention Committee for the territory, and the following gentlemen were elected for their respective districts : —

For the First Judicial District,

James G. Spratt, G. C. Campbell.

For the Second Judicial District,

Walter B. Dance, G. W. Stapleton.

For the Third Judicial District,

A. G. P. George, W. F. Sanders.

On motion of Mr. Word, the Joint Convention dissolved.

Council resumed. Mr. President in the chair.

Mr. George introduced C. J. R. No. 7, read first and second times.

On motion of Mr. George, Council adjourned until 9 o'clock to-morrow morning.

THIRTY-THIRD DAY.

JANUARY 7, 1870.

Council met at 9 A. M. Mr. President in the chair.

Roll called — no quorum being present, and the Segeant-at-Arms being absent, the Fireman was directed by the President to bring in the Sergeant-at-Arms, who did so, and the Sergeat-at-Arms, on being so brought in, was directed to bring in the absentees.

Roll called again — absent, Messrs. Brown and Woody.

On leave, Messrs. Barnes and Jones.

Substitute for C. C. R. No. 5, introduced by Word, amended by adding, on motion of Edwards, the following: *Provided*, That there shall not be over the sum of nine thousand dollars for the services rendered. Rules suspended, read third time, and passed.

H. J. R. No. 17, H. J. R. No. 18, signed by the President, who gave notice that he had signed them at 9:45.

Mr. George introduced C. J. M. No. 1, read first and second time; rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes — Messrs. Daems, English, George, Higley, Mitchell, Word, Watson, and Mr. President — 8.

Nays — Mr. Edwards — 1.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

C. C. R. No. 6, introduced by Mr. George, read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes — Messrs. Daems, Edwards, English, George, Higley, Word, Watson, and Mr. President — 8.

Absent, Messrs. Brown, Mitchell and Woody — 3.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

Select committee to whom was referred C. B. No. 43, reported the same back and recommended its passage.

Bill and report indefinitely postponed by the following vote: —

Ayes — Messrs. Edwards, English, George, Word, Watson — 5.

Nays — Messrs. Mitchell, Higley, and Mr. President — 3.

Absent, Messrs. Brown, Daems, and Woody — 3.

Absent on leave, Messrs. Barnes and Jones — 2.

The following resolution was introduced by Mr. George: —

Resolved, That the thanks of the Council are due and are hereby tendered to the Hon. Walter B. Dance, President of the Council, for the able, dignified, and impartial manner in which he has presided over the deliberations of this body.

Resolution adopted.

Mr. George introduced the following resolution: —

Resolved, That the thanks of the Council are due and are hereby tendered to R. S. Leveridge, Chief Clerk, A. M. S. Carpenter, Assistant Clerk, George W. Hill, Engrossing Clerk, A. J. Urlin, Enrolling Clerk, John Thompson, Sergeant-at-Arms, Jno. S. Bartruff, Door-Keeper, Thomas Bennett, Fireman, S. D. Johns, Clerk to Committee of Ways and Means, and to James B. Farley and George Thexton, Pages, for the able and efficient manner in which they have performed the duties of their respective positions during the present session.

Resolution adopted.

H. J. R. No. 20 taken up, read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote: —

Ayes — Messrs. Daems, Edwards, English, Higley, Mitchell, Word, Watson, and Mr. President — 8.

Absent, Messrs. Brown, George, and Woody — 3.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

Committee on Enrollment reported: —

MR. PRESIDENT: — Your Committee on Enrollment, to whom was referred Council concurrent resolution No. 4, for enrollment, beg leave to report the same correctly enrolled.

GEORGE, *Chairman*.

C. C. resolution, "Authorizing the printing of certain laws," read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote: —

Ayes — Messrs. Daems, Edwards, English, George, Higley, Mitchell, Word, Watson, and Mr. President — 9.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

The President gave notice that he had signed C. C. R. No. 4, at 11:05 A. M. this day.

C. C. R. No. 8, to pay John How for rent of hall of House, read first and second times; rules suspended, considered engrossed; read third time, and passed by the following vote: —

Ayes — Messrs. Daems, Edwards, Higley, Mitchell, Word, Watson, and Mr. President — 7.

Nays — Messrs. English and George — 2.

Absent, Messrs. Brown and Woody — 2.

Absent on leave, Messrs. Barnes and Jones — 2.

Title agreed to.

Communication from the House, through Hon. A. H. Barrett, announcing that the House had rescinded the House resolution to adjourn at 12 M. January 7th, 1870, and had passed a substitute therefor, fixing the time at 4 o'clock P. M. of January 7, 1870.

Substitute for H. J. R. No. 15, read first and second times.

Council took a recess of ten minutes.

Council resumed. Mr. President in the chair.

Roll called — a quorum present.

The House re-fixing the time of adjournment at 4 o'clock this P. M. was taken up, read third time, and passed.

Title agreed to.

The President gave notice that he had signed at 12 M. this day, H. J. R. No. 20, making an appropriation to Bartlett & Warner for fitting up the Council Chamber.

C. S. H. J. R. No. 17 taken up, read first and second times, and the amendments concurred in.

H. J. R. No. 18 was taken up, read first and second times; rules suspended, read third time, and passed.

Title agreed to.

A communication from the Governor was announced and received, and upon motion of Mr. Mitchell, the Council went into Executive Session to consider the said message.

Council resumed. Mr. President in the chair.

The hour of 4 P. M. having arrived, the Council adjourned *sine die*.

COUNCIL CHAMBER, }
VIRGINIA CITY, M. T., Jan. 7, 1870. }

I, R. S. Leveridge, Chief Clerk of the Council, do certify the above and foregoing to be a full, true, and correct journal of the proceedings of the Sixth Legislative Assembly of the territory of Montana.

R. S. LEVERIDGE,
Chief Clerk.

W. B. DANCE,
President of the Council.

APPENDIX.

ANNUAL REPORT OF THE AUDITOR OF MONTANA TERRITORY.

AUDITOR'S OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, December 1, 1869. }

TO THE HON. COUNCIL AND HOUSE OF REPRESENTATIVES, M. T.:—

Gentlemen:—I herewith submit my Second Annual Report, for the fiscal year ending Dec. 1, 1869, which I have condensed in as concise a manner as the requirements of law will admit. By reference to the abstract of the assessment returns in my former report, it will be seen that there is no material difference in the assessed valuation of the property of the territory of this and last year. On examination of the assessment returns, I am satisfied that, with a proper assessment from all of the counties, the valuation would have reached to at least ten millions of dollars, and would have made the burthen of taxation bear equally upon all, and added materially to the receipts of the treasury. By reference to the table showing the indebtedness of the territory, you will find that the funded indebtedness amounts to \$65,528.36, with all the interest accumulating thereon paid up to this date, and a balance, after paying the interest, of \$10,359.10, now in the hands of the Treasurer, to be applied on the redemption and payment of bonds on the 1st of June, 1870, as provided in the 10th section of the Funding Act, which will reduce the bonded indebtedness to \$55,169.26. That, with \$54,794.26 of warrants yet unpaid, will make the total indebtedness of the territory \$109,963.52. Under the provisions of biennial sessions, with proper economy, before the meeting of another Legislature the warrants will all be paid, and the bonded indebtedness reduced to less than \$40,000, and money in the treasury to meet a fair compensation to members and attaches for the next session.

I would further recommend that there be a fixed salary allowed to the Territorial Auditor, instead of a per centage on issues of territorial warrants, as is now the law. The reason should be obvious to the Legislature: It is to remove temptation from the officer to increase his compensation.

All of the county treasurers, except the treasurer of Meagher county, have made their annual settlements as required by law; and a balance, as shown from tabular statement, of \$7,841.56 remains uncollected, which will come into the treasury on the first of next quarter, and will be increased by taxes from additional assessments to at least \$10,000. I have the honor, gentlemen, to be your obedient servant,

W. H. RODGERS,
Territorial Auditor.

AUDITOR'S OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, December 1, 1869. }

To the Hons. President of the Council and House of Representatives:—

GENTLEMEN:—I would call your attention to the fact that the present incumbent of Auditor and Treasurer's term of office will expire during the present session of the Legislature, and, before retiring, would respectfully ask that a committee, composed of members from both Houses, be appointed to examine their books, and make such settlement as their duty may require.

Respectfully,

W. H. RODGERS,
Territorial Auditor.

Treas. W. G. BARKLEY, concurring.

TERRITORIAL INDEBTEDNESS

On the first day of December, A. D. one thousand eight hundred and sixty-nine:—

Bonds issued June 1, 1868	\$ 58,850 00
Bonds issued June 1, 1869	4,750 00
Warrants issued prior to November 1, 1867	1,928 36

Funded indebtedness	\$ 65,528 36
New warrants outstanding and unpaid	54,794 26

Total	\$120,322 62
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CONTRA.

Balance in hands of Treasurer belonging to Sinking Fund, for redemption of bonds	10,359 10
Balance indebtedness	\$109,963 52

STATEMENT

Showing the amount of Taxes levied and charged to the respective County Treasurers for the year 1869; also, the amount collected and paid in of the same up to Dec. 1st, inst., with Delinquent Taxes for 1868, and Licenses collected for 1869, and the fees paid County Treasurers for the year ending Nov. 1, 1869, with balance of Delinquent Taxes due from each County Treasurer:—

COUNTIES.	COUNTY TREASURERS.									
	Tax List.	Collections.	Collections of Delinquents	Licenses.	Total from all sources.	County Treasurers' fees for Collecting.	Net amount, after deducting Treasurers' Fees.	Delinquent Taxes on Assessment of 1869.		
Madison.....	\$ 6,515 20	\$ 5,090 49	\$ 2,946 39	\$ 3,923 60	\$ 11,960 48	\$ 728 42	\$ 11,232 06	\$1,424 71		
Lewis and Clarke.....	10,503 71	8,273 00	2,230 71	9,201 60	20,950 24	1,169 35	19,780 89	2,230 71		
Deer Lodge.....	4,366 58	3,903 47	936 20	5,662 36	10,502 03	766 05	9,735 98	463 11		
Beaver Head.....	1,621 96	796 80	1,135 73	662 50	2,595 03	347 60	2,247 43	825 16		
Jefferson.....	1,730 24	735 98	911 28	1,050 00	2,697 26	400 03	2,297 23	994 26		
Gallatin.....	2,101 34	1,436 57	1,127 88	898 80	3,463 25	424 05	3,039 20	664 77		
Meagher.....	2,197 67	1,681 75	.....	.....	.....	.....	.....	.....
Missoula.....	2,979 17	1,000 38	677 62	1,243 40	2,981 40	478 51	2,502 89	1,018 79		
Chouteau.....	1,400 40	1,180 41	15 80	1,578 00	2,774 21	511 77	2,262 44	219 99		
Total.....	\$32,276 27	\$24,158 85	\$9,981 61	\$24,220 26	\$57,923 90	\$4,825 78	\$52,998 12	\$7,841 56		

COUNTIES.

Land—Acres in Cultivation.	Valuation of Land in Cultivation.	Valuation of Town Lots.	Valuation of Ditches.	Valuation of Plumes.	Valuation in Stock Companies	Valuation of Musical Instruments	No. of Wagons and Carriages.	Valuation of Wagons and Carriages.	No. of Horses.	Valuation of Horses.	No. of Mules.	Valuation of Mules.	No. of Cows and Calves.	Valuation of Cows and Calves.
Madison.....	44,720	\$406,010	\$ 60,020	\$ 8,475	\$ 8,100	\$ 325	548	\$ 38,422	1,116	\$ 65,795	210	\$ 24,380	5,208	\$151,902
Lewis and Clarke.....	14,378½	118,000	792,146	.....	.....	3,970	314	38,405	632	43,195	536	37,575	1,335	42,241
Deer Lodge.....	25,260	42,053	125,850	.....	216,675	.....	271	17,170	1,221	60,325	131	12,791	4,908	176,008
Beaver Head.....	10,090	18,515	40,120	28,500	.....	487	143	9,520	495	33,105	25	1,900	3,783	109,877
Jefferson.....	29,960	46,950	14,111	.....	.....	77	242	12,295	748	34,826	179	17,200	4,115	112,379
Gallatin.....	45,544	87,147	16,500	.....	.....	.....	384	19,995	565	33,172	184	20,870	5,435	155,070
Meagher.....	14,210	21,615	24,510	34,300	10,000	.....	220	11,439	354	22,370	191	29,970	1,340	45,750
Missoula.....	22,280	83,940	23,525	.....	3,050	300	213	12,865	1,200	60,955	128	9,555	3,100	113,455
Chouteau.....	.....	.....	.....	.....	.....	.....	125	6,250	76	2,280	21	1,030	132	6,600
Totals.....	207,042½	\$824,232	\$1,096,872	\$70,800	\$18,475	\$227,825	2,669	\$167,331	6,487	\$358,023	1,425	\$155,291	29,416	\$923,282

COUNTIES.

No. of Oxen.	Valuation of Oxen.	No. of Swine.	Valuation of Swine.	No. of Sheep and Goats.	Valuation of Sheep and Goats.	Capital in Manufactures.	Capital in Merchandise.	Money and Credits.	Gold and Silver Plate, and Jewelry.	Valuation of Clocks and Watches.	Household Furniture.	All other Property of every Description.	Total Assessment of each County.
Madison.....	1,610	87,220	391	3,214	12	\$ 150	\$294,191	\$24,191	\$2,500	\$12,685	\$50	\$439,846	\$ 1,628,870
Lewis and Clarke.....	1,225	61,805	420	3,454	364	2,460	238,189	238,189	.....	13,027	5,650	166,420	2,625,928
Deer Lodge.....	.....	.....	617	4,525	387	1,213	1,018,078	1,018,078	850	6,714	.....	22,594	1,091,646
Beaver Head.....	671	35,650	122	819	62	248	253,689	147,490	581	2,354	.....	6,985	405,492
Jefferson.....	1,341	58,438	167	1,155	1,346	5,058	27,853	57,813	.....	1,383	.....	59,251	482,560
Gallatin.....	1,851	87,147	416	1,737	.....	.....	19,996	19,951	.....	1,200	.....	103,936	525,336
Meagher.....	1,014	54,095	244	1,279	.....	.....	72,150	119,200	800	3,091	.....	25,080	489,419
Missoula.....	519	28,965	1,226	6,508	102	510	49,901	55,061	9	1,710	300	22,205	519,794
Chouteau.....	884	44,200	23	500	.....	.....	.....	.....	.....	.....	.....	289,220	350,100
Totals.....	9,115½	\$456,820	3,628	\$23,192	2,273	\$9,639	\$74,370	\$1,441,667	\$633,653	\$4,300	\$41,964	\$9,005	\$1,135,637
													\$ 8,069,076

* Capital in merchandise included in "amount of all other property." † Jewelry included with "Clocks and Watches."

WARRANT ACCOUNT.

Date.	To whom and for what paid.	Am't.	Date.	To whom and for what paid.	Am't.
Dec. 12, 1868.	W. H. Rodgers, one q'r salary auditor.....	\$ 175 00	Dec. 19.	Jasper Rand, m of c.....	\$ 84 00
"	W. G. Barkley, for one q'r salary as treasurer.....	175 00	"	R. D. Alexander, m h of r....	84 00
"	C. C. Menaugh, chief clerk of council.....	66 00	"	R. E. Arick, ch'f cl'k h of r...	77 00
"	W. B. Dance, m of c.....	124 50	"	A. H. Barrett, as cl'k h of r...	77 00
"	Alex Davis, do	72 00	"	John McLaughlin, m h of r....	84 00
"	J. W. Corum, do	137 00	"	W. F. Powers, m h of r.....	84 00
"	Chas. S. Bagg, do	169 50	"	J. H. Hicks, do	84 00
"	W. E. Cullen, do	137 00	"	Andrew Cooper, do	84 00
"	H. W. English, do	137 00	"	W. F. Kirkwood, as cl'k c....	77 00
"	A. G. P. George, do	162 00	"	Sample Orr, m of c.....	84 00
"	H. R. Comely, m h r.....	137 00	"	A. G. P. Gerge, do	84 00
"	Wel. Stewart, do	149 50	"	C. W. Higley, m h of r.....	84 00
"	C. W. Higley, do	122 00	"	Charles S. Bagg, m of c.....	84 00
"	J. W. Sweeney, do	137 00	"	J. W. Corum, do	84 00
"	John W. Rhodes, do	149 50	"	W. E. Cullen, do	84 00
"	W. F. Kirkwood, as cl'k c....	156 00	"	C. C. Menaugh, ch'f cl'k h of r	77 00
"	J. H. Hicks, m h of r.....	159 50	"	W. B. Dance, m of c.....	84 00
"	J. C. Kerley, do	134 50	"	Sam Russell, do	84 00
"	A. H. Barrett, ass't cl'k h r	156 00	"	Alex Davis, do	84 00
"	W. P. Lowery, m h r.....	209 50	"	John Thompson, d'k'r of c....	49 00
"	R. D. Alexander, do	87 00	"	G. B. Blakely, fireman c.....	84 00
"	Alex E. Mayhew, spk'r h r...	134 50	"	J. C. Kerley, m h of r.....	84 00
"	T. R. Edwards, m of c.....	107 00	"	A. W. Bryson, do	84 00
"	J. W. Ellis, m h of r.....	137 00	"	A. H. Mitchell, m of c.....	84 00
"	Andrew Cooper, do.....	157 00	"	S. R. Elwell, serg't-at-arms c	63 00
"	D. L. Shafer, do.....	104 50	"	W. Stewart, m h of r.....	84 00
"	Joseph Rand, m of c.....	210 00	"	Thos. E. Pounds, eng cl'k h r	77 00
"	R. P. Vivion, enroll'g cl'k c...	96 00	"	L. O. Holt, doork'r h of r.....	49 00
"	John McLaughlin m h r.....	163 00	"	Simeon Estes, m h of r.....	84 00
"	G. W. Wentworth, do	220 00	"	Peter Rogan, fireman h of r...	84 00
"	John Thompson, d'k'r of c...	79 50	"	G. W. Wentworth, m h of r...	84 00
"	S. R. Elwell, serg't-at-arms, c	116 50	"	L. S. Wilson, m h of r.....	84 00
"	G. B. Blakely, fireman, c.....	102 00	"	Henry Showers, eng cl'k c....	77 00
"	Henry Showers, eng cl'k c....	87 00	"	H. R. Comely, m h of r.....	84 00
"	Otis Strickland, m h of r.....	152 00	"	J. M. Sweeney, do	84 00
"	Simeon Estes, do	112 00	"	John W. Dailey, page h r.....	35 00
"	J. P. Barnes, do	148 00	"	Allie Bailey, page of c.....	35 00
"	J. E. Pounds, eng cl'k h r...	146 00	"	L. D. Shafer m h of r.....	84 00
"	John Dailey, page h of r.....	97 00	"	H. W. English, m of c.....	84 00
"	R. J. Watson, do	30 00	"	Wm. Butz, enrolling clerk...	77 00
"	Wm. Butz, enrl'ng cl'k h of r	66 00	"	Otis Strickland, m h of r.....	84 00
"	O. P. Thomas, serg't-at-a h r	54 00	"	O. P. Thomas, serg't-at-a h r	63 00
"	R. E. Arick, chief cl'k h of r	131 00	"	John W. Rhodes, m h of r....	84 00
"	Thomas Watson, m of c.....	109 50	"	James Farley, page of c.....	35 00
"	H. H. Mitchell, do	152 00	"	John Donegan, m h of r.....	84 00
"	Sample Orr, do	147 00	"	A. E. Mayhew, do	84 00
"	Samuel Russell, do	72 00	"	G. W. Stapleton, do	84 00
"	James Farley, page of c.	30 00	"	T. R. Edwards, m of c.....	84 00
"	F. W. Powers, m h of r.....	137 00	"	Thos. Watson, do	84 00
"	Allie Bailey, page of c.....	30 00	"	R. P. Vivion, eng cl'k c.....	77 00
"	S. O. Holt, doork'r h of r....	117 00	"	R. J. Watson, page h of r....	35 00
"	A. W. Bryson, m h of r.....	76 00	"	R. K. Findlay, m h of r.....	84 00
"	R. K. Findlay, do	82 00	"	W. P. Lowery, do	84 00
"	G. W. Stapleton, do	102 00	"	J. P. Barnes, do	84 00
"	L. S. Wilson, do	107 00	"	W. H. Rodgers, per ct on is.	23 75
"	Peter Rogan, fireman h of r..	72 00	Dec. 26.	R. D. Alexander, m h r.....	84 00
"	John Donegan, m h of r.....	72 00	"	J. P. Barnes, do	84 00
Dec. 18.	W. H. Rodgers, for per cent on issues.....	363 04	"	A. W. Bryson, do	84 00
			"	H. R. Comely, do	84 00
			"	Andrew Cooper, do	84 00
			"	John Donegan, do	84 00
			"	J. M. Ellis, do	84 00

Date.	To whom and for what paid.	Am't.	Date.	To whom and for what paid.	Am't.
Dec.	Simeon Estes, m h r.....	\$ 84 00	Jan. 2.	Allie Bailey, page of c.....	\$ 35 00
"	R. K. Findlay, do	84 00	"	James Farley, page of c.....	35 00
"	J. H. Hicks, do	84 00	"	R. D. Alexander, m h of r.....	84 00
"	C. W. Higley, do	84 00	"	R. E. Arick, ch'f cl'k h of r.....	77 00
"	J. C. Kerley, do	84 00	"	A. H. Barrett, asst cl'k h r.....	77 00
"	W. P. Lowery, do	84 00	"	J. P. Barnes, m h of r.....	84 00
"	J. McLaughlin, do	84 00	"	A. W. Bryson, do	84 00
"	W. F. Powers, do	84 00	"	Wm. Butz, eng cl'k h of r.....	77 00
"	John W. Rhodes, do	84 00	"	H. R. Comely, m h of r.....	84 00
"	L. D. Shafer, do	84 00	"	Andrew Cooper, do	84 00
"	G. W. Stapleton, do	84 00	"	John Donegan, do	84 00
"	W. Stewart, do	84 00	"	John N. Dailey, page h of r.....	35 00
"	Otis Strickland, do	84 00	"	J. M. Ellis, m h of r.....	84 00
"	J. M. Sweeney, do	84 00	"	Simeon Estes, do	84 00
"	John P. Bruce, print'g blanks for auditor's office.....	290 00	"	R. K. Findlay, do	84 00
"	J. W. Wentworth, m h of r.....	84 00	"	J. H. Hicks, do	84 00
"	Alex E. Mayhew, do	84 00	"	C. W. Higley, do	84 00
"	Jasper Rand, m of c.....	84 00	"	L. O. Holt, doork'r h of r.....	49 00
"	W. F. Kirkwood, cl'k of c.....	77 00	"	J. C. Kerley, m h of r.....	84 00
"	C. C. Menaugh, ch'f cl'k of c.....	77 00	"	M. P. Lowery, do	84 00
"	A. H. Mitchell, m of c.....	84 00	"	Jas. McLaughlin do	84 00
"	T. R. Edwards, do	84 00	"	Alex E. Mayhew, do	84 00
"	Alex Davis, do	84 00	"	W. T. Powers, do	84 00
"	S. R. Elwell, serg't-at-arms.....	63 00	"	Thos. E. Pounds, eng cl'k h r.....	77 00
"	G. B. Blakely, fireman	84 00	"	John W. Rhodes, m h of r.....	84 00
"	John Thompson, doorkeeper	49 00	"	Peter Rogan, fireman h of r.....	84 00
"	Henry Showers, eng cl'k.....	77 00	"	L. D. Shafer, m h of r.....	84 00
"	Samuel Orr, m of c.....	84 00	"	G. W. Stapleton, do	84 00
"	H. W. English, do	84 00	"	W. Stewa t, do	84 00
"	A. H. Barrett, asst cl'k of h.....	77 00	"	Otis Strickland, do	84 00
"	D. O. Holt, doork'r of h.....	49 00	"	J. M. Sweeney, do	84 00
"	T. E. Pounds, eng cl'k h.....	77 00	"	O. P. Thomas, serg't-at-a h r.....	63 00
"	R. E. Arick, chief clerk h.....	77 00	"	G. W. Wentworth, m h of r.....	84 00
"	Peter Rogan, fireman h.....	84 00	"	L. L. Wilson, m h of r.....	84 00
"	R. P. Vivion, eng cl'k c.....	77 00	"	R. S. Watson, page h of r.....	35 00
"	Samuel Russell, m of c.....	84 00	"	W. H. Rodgers, per ct on is.....	229 15
"	Thomas Watson, do	84 00	"	R. D. Alexander, m h of r.....	84 00
"	A. G. P. George, do	84 00	"	J. P. Barnes, m h of r.....	84 00
"	W. B. Dance, do	84 00	"	A. W. Bryson, do	84 00
"	Charles S. Bagg, do	84 00	"	H. R. Comely, do	84 00
"	John W. Corum, do	84 00	"	A. Cooper, do	84 00
"	W. E. Cullen, do	84 00	"	John Donegan, do	84 00
"	James Farley, page of c.....	35 00	"	J. M. Ellis, do	84 00
"	Wm. Butz, eng cl'k of h.....	77 00	"	Simeon Estes, do	84 00
"	Allie Bailey, page of c.....	35 00	"	R. K. Findlay, do	84 00
"	John P. Dailey, page of h.....	35 00	"	J. H. Hicks, do	84 00
"	R. J. Watson, do	35 00	"	C. W. Higley, do	84 00
"	D. S. Wilson, m of h r.....	84 00	"	J. C. Kerley, do	84 00
"	O. P. Thomas, serg't-at-a h r.....	63 00	"	M. P. Lowery, do	84 00
Dec. 29.	J. M. Ellis, m of h r.....	84 00	"	J. McLaughlin do	84 00
1869.	W. H. Rodgers, per ct on is.....	243 08	"	W. F. Powers, do	84 00
Jan. 2.	Charles S. Bagg, m h of r.....	84 00	"	J. W. Rhodes, do	84 00
"	J. W. Corum, do	84 00	"	L. D. Shafer, do	84 00
"	W. E. Cullen, do	84 00	"	G. W. Stapleton, do	84 00
"	W. B. Dance, do	84 00	"	W. Stewart, do	84 00
"	Alex Davis, do	84 00	"	Otis Strickland, do	84 00
"	T. R. Edwards, do	84 00	"	J. M. Sweeney, do	84 00
"	H. W. English, do	84 00	"	G. W. Wentworth, do	84 00
"	A. G. P. George, do	84 00	"	L. S. Wilson, do	84 00
"	A. H. Mitchell, do	84 00	"	A. E. Mayhew, do	84 00
"	Samuel Orr, do	84 00	"	R. E. Arick, ch'f cl'k h of r.....	77 00
"	Jasper Rand, do	84 00	"	A. H. Barrett, ch'f cl'k h of r.....	77 00
"	Thomas Watson, do	84 00	"	O. P. Thomas, serg't-at-a h r.....	63 00
"	Sam Russell, do	84 00	"	T. E. Pounds, eng cl'k h of r.....	77 00
"	C. C. Menaugh, chief cl'k c.....	77 00	Jan. 9.	Wm. Butz, enr cl'k h of r.....	77 00
"	W. F. Kirkwood, asst cl'k c.....	77 00	"	L. O. Holt, doork'r h of r.....	49 00
"	Rob P. Vivion, enr cl'k c.....	77 00	"	Peter Rogan, fireman h of r.....	84 00
"	H. Showers, asst cl'k c.....	77 00	"	R. J. Watson, page h of r.....	35 00
"	S. R. Elwell, serg't-at-arms c.....	63 00	"	John H. Dailey, do	35 00
"	John Thompson, doork'r c.....	49 00	"	Charles S. Bagg, m h of r.....	84 00
"	G. B. Blakely, fireman c.....	84 00	"	J. W. Corum, do	84 00
			"	W. E. Cullen, do	84 00
			"	W. B. Dance, m of c.....	84 00

Date.	To whom and for what paid.	Am't.	Date.	To whom and for what paid.	Am't.
Jan. 9.	Alex Davis, m of c.....	\$ 84 00	Jan. 15.	T. E. Pounds, eng cl'k h r....	\$ 66 00
"	T. R. Edwards, do	84 00	"	Wm. Butz, enr cl'k h of r....	66 00
"	H. W. English, do	84 00	"	O. P. Thomas, serg't-at-a h r...	54 00
"	A. G. P. George, do	84 00	"	L. O. Holt, doork'r h of r....	42 00
"	A. H. Mitchell, do	84 00	"	Peter Rogan, fireman h of r....	72 00
"	Sampte Orr, do	84 00	"	John N. Dalley, page h r....	39 00
"	Jasper Rand, do	84 00	"	R. J. Watson, page h r....	30 00
"	Thos. Watson, do	84 00	Jan. 16.	W. R. Kirkwood, extra ser-	
"	Sam'l Russell, do	84 00	"	vices clerk h of r.....	100 00
"	C. C. Menaugh, chief clerk of		"	Isaac Ostricher, extra do.....	10 00
"	council.....	77 00	"	Joseph Robinson, extr ser do	12 00
"	W. F. Kirkwood, asst cl'k c....	77 00	"	E. Stark, ex ser cl'k h of r....	12 00
"	Henry Showers, eng cl'k c....	77 00	"	J. Murphy, ex ser do.....	60 00
"	R. P. Vivion, enr cl'k c.....	77 00	"	A. H. Barrett, ex ser do.....	100 00
"	S. R. Elwell, serg't-at-arms c	63 00	"	R. E. Arick ex ser do.....	100 00
"	John Thompson, doork'r of c	49 00	"	C. C. Menaugh, ex ser do.....	100 00
"	G. B. Blakely, fireman c.....	84 00	"	Isaac Ostricher, cl'k of com..	240 00
"	James Farley, page of c.....	35 00	"	James Murphy, cl'k of com....	240 00
"	Allie Bailey, page of c.....	35 00	"	R. E. Harslip, postmaster c...	200 00
Jan. 11.	W. H. Rodgers, per ct on iss	224 25	"	T. F. Campbell, sup't pub in	145 83
Jan. 12.	John How, balance on safe...	300 00	"	W. H. Rodgers per ct on issu	146 60
"	Davis & Thoroughman, attor-		"	Sam'l B. Green, ex cl'k c.....	48 00
"	neys' fees, sp'l act.....	550 00	"	Wood & Reynolds, storing	
Jan. 14.	T. B. Wade, locat'ng peniten	555 50	"	ordnance.....	252 00
"	Addison Smith, appropriation		"	Charles Curtis, taking care do	250 00
"	for costs.....	700 00	"	Rev. L. Van Gorp, stor arms..	150 00
Jan. 15.	Charles S. Bagg, m of c.....	72 00	"	Neil Howie, dray & stor' pipe	150 00
"	J. W. Corum, do	72 00	"	R. S. Price, mov arms etc.....	99 00
"	W. E. Cullen, do	72 00	"	Wm. Burkings, pur horse	
"	W. B. Dance, do	72 00	"	thieves.....	733 84
"	Alex Davis, do	72 00	Jan. 18.	W. H. Rodgers, per ct on issu	312 00
"	T. R. Edwards, do	72 00	Jan. 28.	W. Y. Lovell, copy laws j r....	50 00
"	H. W. English, do	72 00	"	Jas Tufts, sal one q'r as sec'y	250 00
"	A. G. P. George, do	72 00	Jan. 30.	A. H. Barrett, wit and ex	
"	A. H. Mitchell, do	72 00	"	ming's books.....	48 00
"	Sample Orr, do	72 00	"	James Murphy, do do.....	48 00
"	Jasper Rand, do	72 00	"	Isaac Ostricher, do do.....	48 00
"	Sam'l Russell, do	72 00	"	Thos. B. Wade, do do.....	48 00
"	Thos. Watson, do	72 00	"	A. H. Carpenter, sup't pub in	74 00
"	C. C. Menaugh, ch'f cl'k of c	66 00	Feb. 4.	W. M. Stafford, dist attorney	375 00
"	W. F. Kirkwood, asst cl'k c.	66 00	Feb. 5.	Virginia City Water Co., wat'r	
"	Henry Showers, eng cl'k c....	66 00	"	for aud and treas office.....	12 00
"	R. P. Vivion, enr cl'k c.....	66 00	" 12	Wilkinson & Ronan, pr't for	
"	S. R. Elwell, serg't-at-arms c	54 00	"	sup't pub instruction.....	110 00
"	John Thompson, doork'r of c	42 00	" 16.	John P. Bruce, pr't for aud...	100 00
"	G. B. Blakely, fireman c.....	72 00	" 20.	W. H. Rodgers, per ct on issu	63 12
"	Allie Bailey, page of c.....	30 00	" 25.	W. J. Stephens, q'r sal dist	
"	James Farley, page of c.....	30 00	"	attorney.....	375 00
"	R. D. Alexander, m h r.....	72 00	"	John H. Shober, do do.....	375 00
"	J. P. Barnes, do	72 00	"	W. F. & Co., exp on blanks...	12 05
"	A. W. Bryson, do	72 00	Mar. 1.	W. H. Rodgers, per ct on issu	41 25
"	H. R. Comely, do	72 00	" 4.	Phil McGovern, sup't pris....	614 00
"	Andrew Cooper, do	72 00	"	P. Schemals, desk sup't ins..	68 50
"	John Donegan, do	72 00	"	Jas. Gibson, p m pos stamps	3 00
"	J. M. Ellis, do	72 00	" 12.	W. H. Rodgers, q'r salary as	
"	Simcon Estes, do	72 00	"	auditor.....	175 00
"	R. K. Findlay, do	72 00	"	W. G. Barkley, do treasurer..	175 00
"	J. H. Hicks, do	72 00	"	Wilkinson & Ronan, pr'tg	
"	C. W. Higley, do	72 00	"	blanks for aud office.....	1560 00
"	W. P. Lowery, do	72 00	"	W. H. Rodgers, per ct on issu	131 89
"	John McLaughlin, do	72 00	" 13.	Dr. L. Terry, med aid for ter-	
"	W. F. Powers, do	72 00	"	ritorial prisoners.....	20 00
"	John W. Rhodes, do	72 00	Mar. 24.	James Tufts, q'r sal as sec'y	250 00
"	D. L. Shafer, do	72 00	" 26.	Wells, F. & Co., exp on bl'ns	3 50
"	G. W. Stapleton, do	72 00	Apr. 3.	do do	4 25
"	Wel. Stewart, do	72 00	" 5.	Stephen Edmonds, taking	
"	Otis Strickland, do	72 00	"	care of arms.....	100 00
"	J. M. Sweeney, do	72 00	" 7.	J. M. Sweeney, building ar-	
"	G. W. Wentworth, do	72 00	"	senal at Helena.....	2000 00
"	L. S. Wilson, do	72 00	" 8.	W. H. Rodgers, per ct on issu	1255 46
"	Alex E. Mayhew, spk'r h r....	72 00	" 17.	T. F. Campbell, sal sup p ins	500 00
"	R. E. Arick, ch'f cl'k h of r....	66 00	" 22.	H. L. Warren, sal dist judge	250 00
"	A. H. Barrett, asst cl'k h r....	66 00	"	Hiram Knowles, do	250 00

Date.	To whom and for what paid.	Am't.	Date.	To whom and for what paid.	Am't.
May 4.	W. M. Stafford, sal dist att'y..	\$ 375 00	" 23	A. Lembrech, rent of aud and	\$
"	W. J. Stephens, do	375 00	"	treas office.....	52 00
"	John H. Shober, do	375 00	"	do do	198 00
"	W. H. Rodgers, per ct on issu	112 52	"	W. H. Rodgers, per ct on issu	46 15
"	Henry A. Kennealey, bal due		Oct. 11.	W. K. Roberts, support of	
"	for legislat services.....	12 00	"	territorial prisoners.....	170 00
"	Wilkinson & Ronan, printing		"	do do	22 00
"	blanks for aud office.....	116 00	" 15	W. W. Morris, oil and sta-	
June 3	W. H. Rodger, q'r sal as aud	175 00	"	tionery for aud office.....	24 50
" 13	W. G. Barkley, do treas.....	175 00	" 26	James Smiley, ptg sign for	
" 22	W. F. & Co., ex on blanks...	8 00	"	auditor's office.....	8 00
July 6	James Tufts, sal as secretary	266 67	" 27	Philip Conray, wood for aud	
" 9	T. F. Campbell, sal sup p ins	500 00	"	and treas office.....	8 80
"	do expenses do	60 75	" 28	W. H. Raymond, do.....	12 10
"	W. H. Rodgers, per ct on issu	71 30	" 30	W. H. Rodgers, per ct on issu	5 30
" 13	T. F. Campbell, stationery		"	Spencer & Harrison, wood for	
"	for office.....	23 50	"	aud and treas office.....	24 72
" 16	Ste. Emons, care of arms.....	100 00	"	Griffith & Thompson, do.....	16 88
Aug. 6	W. J. Stephens, q'r sal dist at	375 00	Nov. 2	Wilkinson & Ronan, ptg	
"	John H. Shober, do	375 00	"	for auditor's office.....	50 00
"	H. L. Hosmer, do	375 00	"	H. L. Hosmer, sal as dist at	375 00
"	W. H. Rodgers, per ct on issu	66 00	"	W. H. Stephens, do	375 00
"	W. W. Morris, sta for aud o...	43 45	"	John H. Shober, do	375 00
" 10	W. K. Roberts, sup't ter pris	319 50	"	H. L. Warren, sal dist judge	250 00
" 11	H. L. Hosmer, p m stamps...	6 00	"	H. Knowles, do	250 00
"	H. L. Warren, sal dist judge	291 67	"	G. G. Symes, do	250 00
"	Hiram Knowles, do	291 67	" 3	Charles H. Gage, support of	
"	G. G. Symes, do	113 83	"	territorial prisoners.....	822 00
" 12	W. H. Rodgers, per ct on issu	56 60	"	W. H. Rodgers, per ct on issu	150 00
" 23	G. G. Symes, sal as dist j'dge	203 91	" 13	H. Mondell, delivering wood	
Sept. 1	D. W. Tilton, stationery for		"	for aud and treas office.....	5 00
"	auditor's office.....	40 00	" 15	Phillip McGovern, support of	
"	do do	20 13	"	territorial prisoners.....	1227 00
"	R. S. Hamilton, bucket for		"	Dr. H. Mitchell, medical at-	
"	auditor's office.....	3 00	"	tendance ter prisoners.....	415 00
" 6	W. H. Rodgers, sal as aud..	175 00	" 23	W. H. Rodgers, per ct on issu	82 35
" 12	W. G. Barkley, sal as treas...	175 00			
Total.....					\$53,931 10

NOTE.—These warrants are numbered consecutively from 279 to 731.—Pr.

ANNUAL REPORT

OF THE

TREASURER OF MONTANA TERRITORY.

TREASURER'S OFFICE, MONTANA TERRITORY, }
 VIRGINIA CITY, December 1, 1869. }

TO THE HONORABLE COUNCIL AND HOUSE OF REPRESENTATIVES OF
 MONTANA TERRITORY:—

Gentlemen:—In compliance with the requirements of law, I have the honor to submit the following report of the transactions of this office, for the fiscal year ending December 1st, 1869:—

RECEIPTS

From the various County Treasurers were as follows:—

From Madison.....	\$10,432 06	From Meagher.....	\$ 1,681 70
“ Beaver Head.....	2,247 43	“ Gallatin.....	3,039 20
“ Missoula.....	2,316 14	“ Chouteau.....	3,463 50
“ Deer Lodge.....	9,733 38	To Multiple Bonds.....	133 41
“ Lewis and Clarke.....	17,792 89	To balance on hand Nov. 30, 1868.....	170 97
“ Jefferson.....	2,297 23		
			\$53,307 96

DISBURSEMENTS

Were made as follows:—

By 25 per cent fund of \$53,136 69.....	\$13,284 25	25 per cent fund to pay interest on bonds.....	\$13,284 25
By amount paid for printing bonds.....	100 00	By coupon int due and paid June 1, 1869.....	\$ 4,620 10
By amount paid for advertising warrants.....	38 50	By coupon int due and paid Dec. 1, 1869.....	4,770 00
By amount paid for fuel....	12 50		\$ 9,390 10
By am't paid for stationery and stamps.....	18 00	Balance to Sinking Fund.....	3,894 15
By amount paid for territorial map.....	8 00	Balance to Sinking Fund as per report Nov. 30, 1868.....	6,464 95
By amount paid for office chair.....	6 50		
By 5 per cent of \$25,000, Treasurer's fees.....	1,250 00	Total amount of Sinking Fund for redemption of bonds June 1, 1870.....	\$10,359 10
By 3 per cent of \$ 8,136 99 Treasurer's fees.....	844 10		
By Auditor's receipt for warrants and interest p'd and cancelled.....	35,855 40	Amount certificates filed for bonding under "An Act approved January 12, 1869".....	\$ 4,616 59
Balance on hand to redeem advertised warrants.....	1,890 71	Amount cash received to multiple bonds.....	133 41
	\$53,307 96	Amount bonds issued June 1, 1869....	\$ 4,750 00
		“ “ “ “ 1, 1868....	58,850 00
		Total amount of bonded debt.....	\$63,600 00

I am, very respectfully,

Your obedient servant,

W. G. BARKLEY,
 Territorial Treasurer.

ERRATA.—Page 9, left hand column, third line from top, Chas. S. Bagg and dittos members of Council; right hand column, tenth line from bottom, Phil McGovern, supporting territorial prisoners, \$615. Page 10, left hand column, ninth line from top, W. H. Rodgers, per cent on issue, \$125.46.

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